

Magazine of Western History.

VOL. V.

NOVEMBER, 1886.

No. 1.

SOME FEATURES OF THE OLD SOUTH.

"THE South" is an old political designation. Formerly it was the name of all those facts and forces that characterized the geographical south, particularly as moulded by the institution of slavery. It is a political designation to-day with much of the old meaning, and will no doubt continue such for years to come; but even the most inveterate conservatives and strongest partisans, north and south, are compelled to recognize a change, and to acknowledge that the south of 1886 is not the south of 1850, 1863, or even of 1870. In the old sense "the south" is passing into history, following "the north" that has become almost wholly historical. Even men little observant of such changes have seen that, for some years past, careful writers and speakers, especially when viewing things from a sociological standpoint, are using the phrases "old south" and "new south;" phrases the appearance of which in cur-

rent speech, the future historian will say marks the beginning and progress of the greatest sociological change of our history, at least to the close of the nineteenth century. The rapidity with which the "old south" is receding is the reason for this attempt to delineate some of its features. If successful, the attempt will have an interest and value in itself, and, moreover, will throw a strong light on the causes of the southern rebellion, and on some of the elements involved in the problems of reconstruction.

At the opening of the civil war, the nation was divided into two great and plainly marked societies. Minor divisions were easily recognizable, as New England, the Middle States, and the West, the Seacoast, Gulf, and Mississippi states; but these were all lost, as well as the sections shading into each other along Mason and Dixon's line,

in those bolder features that made up the north and the south. That there were two such societies, all Americans acknowledged, and all foreigners discovered as soon as their feet touched our shores.

What was the cause of their characteristic differences is a matter of dispute. Some have said it is race; the Puritan made the north and the Cavalier the south. Even admitting that the north was Puritan and the south Cavalier, this theory is inadequate. I am not, indeed, prepared to say that, had Captain John Smith landed at Plymouth and Governor Carver at Jamestown, American history would have been just what it is. Race and character stand for something in history. Perhaps the Puritan and the Cavalier were each well adapted to his new home; but if we believe with J. S. Mill, that, "of all the vulgar modes of escaping from the consideration of the effects of social and moral influences on the human mind, the most vulgar is that of attributing the diversities of conduct and character to inherent natural differences," we shall see in the final antagonism of the south and north something very different from a prolongation of the struggle between the Stuarts and their parliaments. Others say that race itself is a product; that the southern man and the northern man, and the south and north themselves are the results ultimately of physical causes. How far this view may answer the ends of philosophy, I do not here inquire, but dismiss it with the remark that it is too remote and too refined for the present purpose. Let

it be said, then, once for all, that the proximate and efficient cause of the social and historical differentiation of the American nation into two great societies was SLAVERY.

Negroes were first landed at Jamestown in 1620. Ten years later they appeared in New England. Whether they were more warmly welcomed in Virginia than in Massachusetts, is not here a pertinent question. Certainly slavery found a foothold stronger or weaker in all the colonies. However, for some cause, slaves were always more numerous toward the south and less numerous toward the north. This everybody noticed. By and by, too, it was seen this was not an isolated fact. In the perspicuous language of De Tocqueville:

A century had scarcely elapsed since the foundation of the colonies, when the attention of the planters was struck by the extraordinary fact, that the provinces which were comparatively destitute of slaves, increased in population, in wealth and in prosperity, more rapidly than those which contained the greatest number of negroes. In the former, however, the inhabitants were obliged to cultivate the soil themselves, or hire laborers; in the latter, they were furnished with hands for which they paid no wages; yet, although labor and expense were on the one side, and ease with economy on the other, the former were in possession of the most advantageous system. This consequence seemed to be the more difficult to explain, since the settlers, who all belonged to the same European race, had the same habits, the same civilization, the same laws, and their shades of difference were extremely slight.*

The march of American civilization has been mainly westward. By the time that the head of the column had reached the Ohio river, it was clear that

* "Democracy in America." Part I. Chapter xviii.

slavery would wholly disappear from the north, and it was an open question whether it would last at the south. Moving forward a half century, we find that it has disappeared from the one section, while it has taken firmer root than ever in the other. Again we seek for a cause and again we are met by a troop of answers. The Puritan-Cavalier theory again confronts us. What the Puritan would have done at the south, and the Cavalier at the north we can only conjecture. Perhaps the Calvinistic theology and the middle-class habits of the first fitted him for a home at the north, and predisposed him to free labor. Perhaps, too, the easy-going ways and manners of the other fitted him for a home at the south, and predisposed him to slave labor. But it cannot be doubted, that had Captain Smith gone to Massachusetts Bay and Governor Carver to James river, we should have had a north and south all the same. The Cavalier would have given us a different north, perhaps, but it would have been free; the Puritan have given us a different south, but it would have been slave. The race theory does not account for the death of slavery in the one society and its growth in the other, nor need we seek out those remote and refined influences of nature on man of which the philosophers of environment make so much. The answer lies on the very surface of the subject, and yet it seems never to have been clearly discerned, at all events it was never clearly and fully stated, until in 1862 the late Professor J. E. Cairnes published his work entitled 'The Slave Power.'

"The true causes of the phenomenon," he says, "will appear if we reflect on the advantages and disadvantages which attach respectively to slavery and free labor, as productive instruments, in connection with the external conditions under which these forms of industry came into competition in North America." The great economic advantages of slavery are these: "The employer of slaves has absolute power over his workmen and enjoys the disposal of the whole fruit of their labors. Slave labor, therefore, admits of the most complete organization; that is to say, it may be combined on an extensive scale, and directed by a controlling mind to a single end, and its cost can never rise above that which is necessary to maintain the slave in health and strength." The serious economical defects of slave labor are these: "It is given reluctantly; it is unskillful; it is lacking in versatility." Since the slave works reluctantly, he must be constantly watched; since he is unskillful, he must be put at the coarsest employment; and since he is wanting in versatility, he must be confined within a narrow range of production. Freedom, on the other hand, tends to develop willingness, skill, and versatility. By necessity, therefore, commerce and manufactures are excluded from the list of slave occupations. Nor is the field of agriculture all open to slavery. "The line dividing the slave from the free states," says Professor Cairnes, "marks also an important division in the agricultural capabilities of North America. North of this line the products for which the

soil and climate are best adapted are cereal crops, while south of it the prevailing crops are tobacco, rice, cotton, and sugar; and these two classes of crops are broadly distinguished in the methods of culture suitable to each. The cultivation of the one class, of which cotton may be taken as the type, requires for its efficient conduct that labor should be combined and organized on an extensive scale. On the other hand, for the raising of cereal crops this condition is not so essential." He then proceeds to show that the south met the great economical conditions of slave industry, while the north failed to meet them. Thus between north and south it was not a matter of race at all, or of morals, as some have said, but a plain question of economic conditions.*

And it so turned out that the north was freedom, the south slavery. That everybody knows: but few realize what the words mean. They mean far more than that the south raised cotton while the north raised corn, far more than that the south bought her laborers, while the north hired hers; for there were certain powerful tendencies in freedom and in slavery that wrought out the cardinal features of the two great societies. Some of the features of the south will well repay our study.

Slavery divided the south socially into three plainly marked classes. First, there were the slaveholders and their families, clients, and retainers. These made up the slave power, and were in a sense "the south." Secondly, the non-

slaveholding whites. These may be divided into two groups—the small farmers and "the poor whites"; the first shading up to the slaveholding class, and the second shading down to the "sand hillers" and "corn crackers" found in the mountains of Carolina and Georgia. Sometimes the poor whites were worse off than the slaves themselves. The southern states made no adequate provision for schools; education, for the most part, was a class privilege, and the poor whites were as ignorant as they were poor. Ignorant, coarsely fed, roughly clothed, inferiority often stamped on their very faces and bearing, living often in bye-places, they hung upon the skirts of southern civilization in ever-increasing numbers. They devotedly followed the slaveholders. Practically, they were unknown in southern opinion; they wielded no influence in politics, but on election days came forth to ratify by their votes the work already done by the ruling caste, and then retired for a year to their wonted obscurity.* Thirdly, the

* Formerly it was the fashion at the north to divide the southern whites into two classes, the slaveholders and their clients, and "the poor white trash." This is too broad. Sir George Campbell thus recorded what he found at the south a few years ago. ('White and Black,' pp. 162-164):

"I think the idea prevalent in Europe was that the southern whites were composed of an aristocracy of slave-owning gentlemen, refined and polished, with their dependent slave-drivers, and a large number of very inferior whites, known as 'mean whites,' 'white trash,' and so on. . . . It seems to me this view is not justified. The population was very much divided geographically; there was the great black belt on the lower lands, where a few whites ruled over a large slave population; and there was a broad upper belt in the hilly country, where the great bulk of the

* 'The Slave Power,' Chap. II.

slaves. Remembering the condition of the negro in Africa, we need not hesitate to say that slavery in America carried him a certain distance on the road of progress. Nor should we fail to remark that to the purposes of the modern slave masters no race was ever better adapted than the African race. Physically strong, confiding, obedient, and tractable, the negro was the very man the southerner wanted. His trustfulness and tractability were more than an economical element in the southern economy; a race that was full of spirit and self-assertion would have given their masters far more trouble while slavery lasted, and they would have submitted much less easily to later outrages.

The economical results of the two systems of labor were most marked and most important. The north evolved a highly differentiated industry and grew rich in consequence; but the industrial

population was white, mostly small farmers owning their land. . . . There is no doubt in all these southern states a large intermediate zone in which white and black are much intermixed; but even there they are a good deal aggregated in patchwork fashion, the general rule apparently being that the rich slaveowners have occupied the best lands, and the poorer independent whites the poorer lands, especially what are called pine barrens, though they are not so barren after all. . . . In truth, then, I gather, that the population of very inferior whites without property never was very large. There were very many without slave property, but most had more or less land. The chief justification for attributing lowness and meanness to the poorer whites seems to be, that some of the inferior central tracts are occupied by a set of people said to be descended from the convicts sent out in former days, and to this day very unthrifty. They are called sand-hillers in South Carolina, and really do seem to be an inferior people."

development of the south was prematurely arrested, and she remained poor. Naturally the contrast caught the quick eye of De Tocqueville, who visited us fifty years ago.

Thus the traveler who floats down the current of the Ohio, to the spot where that river falls into the Mississippi, may be said to sail between liberty and servitude, and a transient inspection of the surrounding objects will convince him which of the two is most favorable to mankind.

Upon the left bank of the stream population is rare; from time to time one descries a troop of slaves loitering in the half-desert fields; the primeval forest recurs at every turn; society seems to be asleep, man to be idle, and nature alone offers a scene of activity and of life.

From the right bank, on the contrary, a confused hum is heard, which proclaims the presence of industry; the fields are covered with abundant harvests; the elegance of the dwellings announces the taste and activity of the labourer, and man appears to be in the enjoyment of that wealth and contentment which are the reward of labour.*

But more was involved in the matter than thrift and unthrift. Freedom and slavery begot different states of mind with regard both to labor and property. This the French philosopher also saw.

Upon the left bank of the Ohio labour is confounded with the idea of slavery, upon the right bank it is identified with that of prosperity and improvement; on the one side it is degraded, on the other it is honoured; on the former territory no white labourers can be found, for they would be afraid of assimilating themselves to the negroes; on the latter no one is idle, for the white population extends its activity and its intelligence to every kind of employment. Thus the men whose task it is to cultivate the rich soil of Kentucky are ignorant and lukewarm, while those who are active and enlightened either do nothing or pass over into the state of Ohio, where they may work without dishonour.

The influence of slavery extends still farther; it affects the character of the master and imparts a peculiar tendency to his ideas and his tastes. Upon

* 'Democracy in America,' Part I., Chap. xviii.

both banks of the Ohio the character of the inhabitants is enterprising and energetic; but this vigor is very differently exercised in the two states. The white inhabitant of Ohio, who is obliged to subsist by his own exertions, regards temporal prosperity as the principal aim of his existence; and, as the country which he occupies presents inexhaustible resources to his industry, and ever-varying lures to his activity, his acquisitive ardour surpasses the ordinary limits of human cupidity; he is tormented by the desire of wealth, and he boldly enters upon every path which fortune opens to him; he becomes a sailor, pioneer, an artisan or a labourer, with the same indifference, and he supports, with equal constancy, the fatigue and the dangers incidental to these various professions; the resources of his intelligence are astonishing, and his avidity in the pursuit of gain amounts to a species of heroism.

But the Kentuckian scorns not only labour but all undertakings which labour promotes; as he lives in an idle independence, his tastes are those of an idle man; money loses a portion of its value in his eyes; he covets wealth much less than pleasure and excitement, and the energy which his neighbour devotes to gain, turns him to a passionate love for field sports and military exercises; he delights in violent bodily exertion; he is familiar with the use of arms, and is accustomed from a very early age to expose his life to single combat. Thus slavery not only prevents the whites from becoming opulent, but even from desiring to become so.

As the same causes have been continually producing opposite effects for the last two centuries in the British colonies of North America, they have established a very striking difference between the commercial capacity of the inhabitants of the south and those of the north. At the present day it is only the northern states which are in possession of shipping, manufactures, railroads and canals. This difference is perceptible not only in comparing the north with the south but in comparing the several southern states. Almost all the individuals who carry on commercial operations, or who endeavor to turn slave labour to account in the most southern districts of the Union, have emigrated from the north. The natives of the northern states are constantly spreading over that portion of the American territory, where they have less to fear from competition; they discover resources there which escaped the notice of the inhabitants; and, as they comply with a system which they do not approve, they suc-

ceed in turning it to better advantage than those who first founded and who still maintain it.*

All this is well said, but what is it, after all, but an expansion of the two propositions: The north was industrial and commercial, in fact modern; the south feudal and mediæval. DeTocqueville dismissed his parallel with the remark, "I could easily prove that almost all the differences which may be remarked between the character of the Americans in the southern and in the northern states have originated in slavery." Freedom begot the amazing push and thrift of the north, and gave her that wonderful material development which is one of the most striking facts of recent history. Slavery begot the languor and unthrift of the south, and gave her mental and material "bourbonism." Three zones extend from the Atlantic ocean to and beyond the Mississippi river; a northern, a southern and an intermediate zone, in which last the two former shade into each other. The southern parts of Ohio, Indiana, and Illinois were largely settled from the south, and slavery cast a shadow on the southern parts of the old free states that abutted upon the slave states. In turn northern influences reached a certain distance beyond Mason and Dixon's line. Hence "southern" communities are found north, and "northern" communities south of the old slave line.

The south had a plainly marked military aspect. Partly this was necessity, for the presence of slaves in large num-

* 'Democracy in America,' Part I., Chap. xviii.

bers perpetually suggests servile insurrection with all its horrors, and commonly leads to some precautionary measures. But more than this, the southerner needed a channel of discharge for that energy which slavery prevented his devoting to production and to trade. We are not surprised, therefore, when De Tocqueville speaks of the southerner's passionate love of field sports and military exercises, his delight in violent bodily exertion, his familiarity with the use of arms, and his habit of exposing his life in rough combats. The southern states, as a rule, kept their militia in a much better state of organization and training than the northern. What is more, they took much more interest in the national army. From 1836 to 1874, inclusive, there reported at the National Military Academy, 2,180 candidates for admission, including the candidates "at large." Of the 2,180, 1,254 came from the slave states, and 954 from the free states. The free states were entitled to send up from twenty per cent. to fifty per cent. more students than the slave states; as a matter of fact, they sent nearly twenty-five per cent. fewer. But still farther, of the 954 free state candidates, 291 were rejected; of the 1,254 slave state, only 251. That is, one southern candidate in five was rejected, and one northern candidate in three and a quarter. How are we to explain the discrepancy of these ratios? No doubt a part of the explanation is this: The army stood much higher in public estimation south than north, and as a result it drew within its circle a

larger relative number of the ablest and most enterprising boys. At the north such boys were drawn into business and the professions. The south was feudal and military, the north industrial and commercial. It is well known that the secession leaders took all these things into consideration as factors in the secession problem. They knew that there was less military preparation and military spirit at the north than at the south. They believed that the north was too much absorbed in making money to fight. In fact, they looked upon northern men much as the Spaniards looked upon the Dutch at the beginning of the eighty years' war, as "men of butter" who would either offer no resistance to their plans or would fall an easy prey to their superior military virtues. It may be said that the south cultivated military habits that she might be ready for nullification or secession. Towards the last this was probably the case, but a much larger share of the explanation is found in the nature and tendencies of a slaveholding society.

The dominant southern class evinced a superior capacity and taste for politics. It must indeed be admitted that at the last their leading ideas were false, and their great aims destructive; but it must be admitted, also, that they knew what they wanted, and that they worked for its attainment with singular persistence and ability. The following facts will explain this political capacity and taste.

Southern men did not find an opening for their ability and energy in the pursuits of a commercial society, hence they

naturally looked to politics for employment and activity. Slavery gave them leisure for studying and practicing the art of governing, and its related arts—law and oratory. Then the slaveholding habit begets a love of power and a zest for ruling. Further, the political interests of the slave power called for sleepless attention. In 1790, the populations of the free and of the slave states were nearly equal; in political power the north and the south did not greatly differ. But soon the slave line began to stand out with new prominence in politics. In population and resources the north shot far ahead of the south. Hence, the slave power had two points to watch: first, to maintain its ascendancy in its own states, which was not difficult; secondly, so to arrange and combine political elements as to neutralize the superior weight of the north. Accordingly, they looked carefully after their party affiliations at the north. As the contest of force drew near the whole south, Democrats and Whigs alike, became blended in one party. From the very beginning they had striven to preserve the balance of states in the national senate. Slavery was a consolidated pecuniary interest amounting to hundreds of millions of dollars. No other pecuniary interest in the nation began to exert such a political influence. This was partly because no other interest depended so directly on politics; partly because no other interest gave the same opportunity and zest for political activity.

The above considerations, taken in connection with the habits and the tem-

per of the northern people, substantially account for the superior weight of the south in national politics from 1789 to 1860. It was not an accident that Virginia filled the presidential chair thirty-two out of thirty-six years, closing with 1825. It was not an accident that of the eighteen presidential terms closing in 1861, twelve terms were filled by southern men. However, the explanation does not lie wholly in the conscious purpose of the south to have it so, but very largely in the fact that the south was more "political" than the north. This difference has outlasted the war

But slavery did much more than make the south political: it gave her a peculiar kind of politics. Early in Washington's first administration two political parties appeared in embryo; before he left the chair, in 1797, they had become fully developed. They divided on many questions, but these generally rooted in a larger question: "How much power does the constitution confer on the central government?" or, "How shall the constitution be construed?" In the days of Washington "loose-construction" was Federalism and "strict-construction" Republicanism. These two methods of interpreting the constitution have lived on to this day. The student of our political history will find that the so-called strict-construction party has often done loose-construction things, and the loose-construction party strict-construction things, as when the Republican-Democrats of 1803 favored, and the Federal-

ists opposed the Louisiana purchase; but he will always find two such parties in existence, though never bearing those names, each holding to its chosen views with more or less of consistency. In fact, this is the proper standpoint from which to study the history of our political parties. "This question of a strict or a loose construction of the constitution," says Mr. Alexander Johnston, "has always been at the root of legitimate national party differences in the United States."*

It is interesting to note where the strength of the two parties originally lay; also to observe certain of their marked tendencies. No one, to my knowledge, has told this so well as Hildreth.

From the first moment that party lines had been distinctly drawn, the opposition had possessed a numerical majority against which nothing but the superior energy, intelligence, and practical skill of the Federalists, backed by the great and venerable name and towering influence of Washington, had enabled them to maintain for eight years past an arduous and doubtful struggle. The Federal party, with Washington and Hamilton at its head, represented the experience, the prudence, the practical wisdom, the discipline, the conservative reason and instincts of the country. The opposition, headed by Jefferson, expressed its hopes, wishes, theories, many of them enthusiastic and impracticable, more especially its passions, its sympathies and antipathies, its impatience of restraint. The Federalists had their strength in those narrow districts where a concentrated population had produced and contributed to maintain that complexity of institutions, and that reverence for social order, which, in proportion as men are brought into contiguity, become more absolutely necessities of existence. The ultra-democratic ideas of the opposition prevailed in all that more extensive region in which the dispersion of population, and the despotic authority vested in individuals over families of slaves, kept society in a state of im-

maturity, and made legal restraints the more irksome in proportion as their necessity was the less felt. Massachusetts and Connecticut stood at the head of the one party, supported, though not always without some wavering, by the rest of New England. The other party was led by Virginia, by whose finger all the states south and west of the Potomac might be considered to be guided. The only exception was South Carolina, in the tidewater district of which state a certain number of the wealthier and more intelligent planters, led by a few men of talents and probity who had received their education in England, were inclined to support the Federal policy so ably upheld in congress by Smith, Harper, Pinckney and Rutledge. But even in South Carolina the mass of the voting population felt and thought otherwise; nor could the influence of a few individuals long resist a numerical preponderancy so decided. As for the states of Georgia, Tennessee and Kentucky, and, except for a brief moment, North Carolina, they followed, without doubt or hesitation, in the wake of Virginia, and the rapidly-increasing backwoods settlements of all these states constantly added new strength to the opposition. Of the five states intervening between Virginia and New England, little Delaware alone adhered with unflinching firmness to the Federal side. Maryland and New Jersey, though wavering and undecided, inclined also the same way. The decision between Federalism and the so-called Republican party depended on the two great and growing states of Pennsylvania and New York; and from the very fact that they were growing, that both of them had an extensive backwoods frontier, and that both were constantly receiving accessions of political enthusiasts from Europe, they both inclined more and more to the Republican side.*

Naturally and easily the south gravitated to the school founded by Jefferson. For a time Federalism had a vigorous root in certain regions of the south, but the natural affiliation of a slave society and strict construction was too strong for southern Federalism. Later, the Whig party took a strong hold of some of the southern states; but the Whigs of the south were nearly all ready to em-

* 'History of American Politics.' Introduction.

* 'History of the United States,' V. pp. 415-16.

brace the Calhoun doctrines when they thought them necessary to the prosperity of slavery. However, it was no accident that made the south the home of nullification and secession. Jefferson himself pushed his strict construction method to the extent of nullification, in the originals of the celebrated "Kentucky Resolutions" of 1798, though it was Calhoun who fully elaborated the nullification doctrine and made ready the "constitutional" way for secession.

In some of its features, southern society was a reproduction of feudalism. Like feudalism, it called for great estates or plantations; like feudalism, it raised the proprietor high above both the slave and the common freeman; like feudalism, it stripped the many of political power and made a real democracy impossible. John Randolph bitterly denounced Jefferson and his compeers for abolishing primogeniture in Virginia, and he loved to call his Roanoke plantation his "Barony."

The boasted democracy of the south was akin to the feudal aristocracy. The most complete despotism in the baron over the serf, or in the plantation-owner over the slave, was compatible with the loftiest self-assertion—in fact, rather necessitated it. Each led to as marked an egotism as the world has seen. In his famous "Speech on conciliation with America," delivered in the house of commons, March 22, 1775, Edmund Burke said there was one circumstance attending the southern colonies which "made the spirit of liberty

still more high and haughty there than in those to the northward."

It is that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exteriors of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with an higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it and renders it invincible.

But this was only the spirit of liberty in the slaveholding class.

The most marked political product of feudalism was its pronounced opposition to a strong central authority. The most inveterate enemy of the middle-age king was the middle-age baron; the most inveterate enemy of American nationalism was the slaveholder. Both the baron and the slaveholder was true to his class and to his interests. The baron knew that he and a real king could not both exist at the same time; so he arrogated all the power and dignity that he could to his own order and played the fief off against the realm. The slaveholder disliked the sentiment of nationality and feared the nation. The changed conditions of life made it impossible to place the plantation in

opposition to the nation. But the state might take that place, and to that end he bent his energies. The state he could control, but he did not know what might happen if the national government should fall into the hands of men opposed to slavery. Hence, one cause of his fondness for the extreme state rights doctrine. What is more, he and his establishment were much more prominent in Virginia or Georgia than they could be in the United States. His interest lay, first, in his own plantation; secondly, in the state controlled by himself and his class; thirdly, in the south; and fourthly in the Union. True, he was more than willing to use the power of the Union for the procurement of more slave territory, or for hunting down fugitive slaves upon land or sea; but he never ceased to keep a jealous eye upon the central government. The prospect of free speech and and free labor getting the upper hand at Washington filled him with anxious alarm; and the near approach of that hour drove him into rebellion in 1861. He constantly berated the north for being "narrow-minded" and "intolerant," but at home he suppressed, at whatever cost, all discussion of unwelcome topics. He constantly inveighed against "sectionalism," and was perpetually talking about "the south." To be called "an American" was less honorable than to be called "a Carolinian," "a Virginian," or "a Georgian." Accordingly, when he visited London or Paris, he registered himself at the hotels as from "South Carolina" or from "Virginia," and not from the United States of Amer-

ica. When the war was over, and the Confederacy for which he had risked and lost so much had been destroyed, "the south" became more to him than his state. It was hallowed to his memory and invested with the charms of poetic sentiment.*

Slavery moulded the tempers of men and their social manners. How it intensified the slaveholder's sense of personal independence has been illustrated. I may again revert to the analogy of slavery and feudalism.

In his lecture on the feudal system, Guizot points out the influence of feudal life on the disposition and temper of the baron and his family. He speaks of "the great importance with which the possessor of the fief must have been regarded, not only by him-

* The following contrast ('Bricks Without Straw,' p. 382) is both strictly just and largely significant: "She might have known this had she but noted how the word 'southern' leaps into prominence as soon as the old 'Mason and Dixon's line' is crossed. There are 'southern' hotels and 'southern' railroads, 'southern' steamboats, 'southern' stage coaches, 'southern' express companies, 'southern' books, 'southern' newspapers, 'southern' patent medicines, 'southern' churches, 'southern' manners, 'southern' gentlemen, 'southern' ladies, 'southern' restaurants, 'southern' bar-rooms, 'southern' whiskey, 'southern' gambling-hells, 'southern' principles, 'southern' *everything*! Big or little, good or bad, everything that courts popularity, patronage or applause, makes haste to brand itself as distinctly and especially 'southern.'

"Then she might have remembered that in all the north—the great, busy, hustling, over-confident, giantly great heart of the continent—there is not to be found a single 'northern' hotel, steamer, railway, stage coach, bar-room, restaurant, school, university, school book, or any other 'northern' institution."

self but by all around him." "It was the importance of the proprietor, of the head of the family, of the master." "His greatness belonged to himself alone, he held nothing of any one; all his rights, all his power centered in himself." "What a vast influence must a situation like this have exercised over him who enjoyed it; what haughtiness, what pride must it have engendered! Above him, no superior of whom he was but the representative and the interpreter; near him no equals; no general and powerful law to restrain him; no exterior force to control him; his will suffered no check but from the limits of his power and the presence of danger." In nearly every particular this will do for an account of the disposition that slavery engendered in the slavemaster. Look for a moment at the great planter's position. Most of the surrounding population are slaves. Besides, they belong to an inferior and despised race. Again, a large majority of his own race about him are poor and ignorant, and little more thought of, in their present condition, than the negroes themselves. He and his family live in the mansion (or "Great House"); around them are, say, one thousand slaves; few or no whites are within several miles. As respects their relations to their dependents, this plantation family are laws unto themselves. The proprietor knows first, that he is the master of the thousand human chattels about him; and secondly, that as such master he has in the American congress as much power as a New England or an Ohio village

of six hundred people. Such conditions as these cannot fail powerfully to mould both the individual man and society. The slaveholder's arrogance may sleep in his own home, in the fondness of social intercourse; but on the plantation, at the hustings, or in the forum it is liable at any moment to assert itself. His pride makes him impervious to modern ideas; his isolation prevents his seeing in what direction society is moving; his autocracy renders him intolerant; and, although the most dependent of men, since he has to subsist upon one or two agricultural staples, he fancies himself the king of the industrial world. All this is well illustrated in the famous speech of Hon. J. H. Hammond of South Carolina, delivered in the national senate, March 4, 1858, entitled, "Kansas-Lecompton Constitution," which made so profound an impression upon the whole north at the time of its delivery, that it is not yet forgotten. After devoting a third of his speech to the Lecompton constitution, paying especial attention to the arguments of Mr. Douglas, the senator takes up the slavery question.

I think it is not improper, he says, that I should bring the north and south face to face, and see what resources each of us might have in the contingency of separate organization. (He then goes on to compare the two sections in territory, in resources, in products, and in social features.) The sway of that valley (the Mississippi) will be as great as ever the Nile knew in the earlier ages of mankind. We own the most of that valley. The most valuable part of it belongs to us; and, although those who have settled above us are now opposed to us, another generation will tell a different tale. They are ours by all the laws of nature; slave labor will go over every foot of this great valley where it will be found profitable to use it. . . . What would happen if

no cotton was furnished for three years? I will not stop to depict what everyone can imagine, but this is certain. Old England would topple headlong and carry the whole civilized world with her. No sir, you dare not make war on cotton. No power on earth dares to make war upon it. Cotton is king. . . . The greatest strength of the south arises from the harmony of her political and social institutions. This harmony gives her a frame of society, the best in the world, and an extent of political freedom, combined with entire security, such as no other people ever enjoyed upon the face of the earth. . . . In all social systems there must be a class to do the mean duties, to perform the drudgery of life—that is, a class requiring but a low order of intellect and but little skill. Its requisites are vigor, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, refinement and civilization. It constitutes the very mud-sills of society and of political government; and you might as well attempt to build a house in the air as to build either the one or the other, except on the mud-sills. Fortunately for the south, she found a race adapted to this purpose to her hand—a race inferior to herself, but eminently qualified in temper, in vigor, in docility, in capacity, to stand the climate, to answer all her purposes. We use them for the purpose and call them slaves. We are old-fashioned at the south yet: it is a word discarded now by "ears polite." I will not characterize that class of the north with the term; but you have it: it is there, it is everywhere, it is eternal. The senator from New York said yesterday that the whole world had abolished slavery. Aye, the *name*, but not the *thing*; and all the powers of the earth cannot abolish it. God only can do it when he repeals the *fat*, "The poor ye always have with you;" for the man who lives by daily labor, and scarcely lives at that, and who has to put out his labor in the market and take the best he can get for it, in short, your whole class of manual laborers and operatives, as you call them, are slaves. The difference between us is that our slaves are hired for life and well compensated; there is no starvation, no begging, no want of employment among our people, and not too much employment either. Yours are hired by the day, not cared for, and scarcely compensated. . . .

The south have sustained you in great measure; you are our factors; you bring and carry for us; one hundred and fifty million dollars of our money passes annually through your hands; much of it

sticks; all of it assists in keeping your machinery together and in motion. Suppose we were to discharge you; suppose we were to take our business out of your hands, we should consign you to anarchy and poverty.

How strange these passages read at the distance of twenty-eight years! They bring before us a world that has passed forever away. Let it not be supposed that their author was a braggadocio. Mr. Hammond was a man of ability and education, of calmness and sincerity, an excellent representative of the class to which he belonged; yet the peculiar institution of the south had so blinded his eyes to the movements of the modern world that he could assert slavery to be an eternal fact, and proclaim cotton king.

But slavery was more than a school of pride and arrogance. It was a school of passion and violence as well. This has never been better told than by Mr. Jefferson in the once much-quoted passage from the 'Notes on Virginia':*

The whole commerce between master and slave is a perpetual exercise of the most boistrous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parents could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion toward his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose rein to the worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and

* Works VIII, p. 403.

morals undepraved by such circumstances. And with what execration should the statesman be loaded, who, permitting one half of the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the *amor patriæ* of the other.

For two hundred years the history of slavery is a striking commentary on this striking passage. Slavery fostered a rudeness and crudeness, a lawlessness and a violence such as could be found in no highly civilized state. Nor did these things come to an end with their cause; they exist to-day, and will not wholly disappear for years, perhaps generations, to come. In studying the history of such social phenomena as the duello, homicide, and "moonshining" at the south, we are never to overlook the fact that the "frontier" and the "mountain regions" are large factors in the problem; nor are we to overlook the fact that slavery was an indirect as well as a direct cause; not only did it ingender violence, but it tended powerfully to keep population sparse, and to make civilization rude and crude.

The local political institutions of the south were congruous with the other features of southern society. In his admirable memoir, 'The Minor Political Divisions of the United States,'* Professor S. A. Galpin says: "The principle of local self-government has given to the several states—exhibiting as they do wide diversity of settlement, of interest, and of traditions—codes of local law differing in greater or less degree from each other." He roughly classes these codes as the "town" system, the

"county" system, and the "compromise" system. The town system proper is found only in New England. Until recently the county system prevailed universally, as it still does generally, in the south. In the great middle states, and in most of the western, the compromise system is found. The town and county systems were firmly rooted in their respective sections before the Revolution. Let it not be supposed that the county does not exist where the town system prevails, or that the town is unknown in the county system. The classification turns, not on the absence of town or county from the state, but on the place that town or county holds in the scheme of local government. In the one system the town, in the other system the county, is the political unit. The town, as known in New England, is defined by Professor Galpin as "a body corporate and politic, deriving its charter from the legislature of the state, and generally entitled to an independent representation in the lower branch of that legislature. It has power to elect its own officers, to manage in its own way its own roads, schools, local police and other domestic concerns, and collects through its own officers not only its self-imposed taxes for local purposes, but also those levied by the legislature for the support of the state, or by the county officers for the limited objects of their expenditure." The New England town meeting is a local legislature made up of the voters of the town. Under this system the county is mainly a judicial subdivision of the state; its political

* 'Statistical Atlas of the United States;' 1870.

power is a minimum. At the south all these conditions are exactly reversed. "The names of the greater and lesser subdivisions of the state may remain unchanged, but the powers and position of these subdivisions are in no case or degree the same. The town or township is but the skeleton of the New England town, while the county is clothed with all the political power." It derives its powers from the legislature, and is responsible to the state authorities for its share of the state taxation. Generally the town has no political power whatever, and exists only for convenience at the general elections, or to make the district of a justice of the peace and constable. "The divisions subordinate to the county are generally called *precincts* in the south," says Dr. I. W. Andrews. "In Mississippi whole counties have no other names for the subdivisions than those furnished by the ranges and townships, as if we (citizens of Washington county, Ohio) should know Lawrence as township three, range seven. In North Carolina the county seems to be divided numerically, as if Belpre were merely number 4."* The compromise system combines some of the features of the other two systems. It makes less of the town than New England, and less of the county than the south. It calls for no further mention.

The New England towns caught the observant cry of Mr. Jefferson. He referred to them in his correspondence in

1810, in 1816, and again in 1824, as the following quotations will show :

These little republics would be the main strength of the great ones. We owe to them the vigor given to our Revolution in its commencement in the eastern states, and by them the eastern states were enabled to repeal the embargo in opposition to the middle, southern and western states, and their large and lubberly division into counties which can never be assembled. General orders are given out from a centre to the foreman of every hundred, as to the sergeants of an army, and the whole nation is thrown into energetic action in the same direction, in one instant, and and as one man, becomes absolutely irresistible. . . . These wards, called townships in New England, are the vital principle of their governments and have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation. We should thus marshal our government into, 1, the general federal republic, for all concerns foreign and federal ; 2, that of the state, for what relates to our own citizens exclusively ; 3, the county republics, for the duties and concerns of the county ; and 4, the ward republics, for the small and yet numerous and interesting concerns of the neighborhood ; and in government, as well as in every other business of life, it is by division and subdivision of duties alone, that all matters, great and small, can be managed to perfection. And the whole is cemented by giving to every citizen, personally, a part in the administration of the public affairs. . . . Among other improvements I hope they (a proposed constitutional convention) will adopt the subdivision of our counties into wards. The former may be estimated at an average of twenty-four miles square ; the latter should be about six miles square each, and would answer to the hundreds of your Saxon Alfred. In each of these might be, 1st, An elementary school ; 2nd, A company of militia, with its officers ; 3rd, A justice of the peace and constable ; 4th, Each ward should take care of their own poor ; 5th, Their own roads ; 6th, Their own police ; 7th, Elect within themselves one or more jurors to attend the courts of justice ; and 8th, Give in at their Folk House their votes for all functionaries reserved to their election.*

* 'Washington County and the Early Settlement of Ohio,' 1877, pp. 32, 33.

* See 'Jefferson's Works', Vol. V. p. 525. Vol. VII, pp. 13, 357.

Aggreeing as we must with these views, we can not resist the conviction that Mr. Jefferson did not comprehend the subject. It was not a mere accident that town institutions sprang up in New England; they were an outgrowth of the temper and habits of the people, as well as of the circumstances under which the New England settlements were made. Once planted, they lived by their own strength and powerfully influenced the spirit and the manners of the people. The history of the old settlements began with the planting of a new church or "society." This church continued to be the centre of life. Population thus tended to small aggregations, and local assemblies were early secured. The principle of independency develops the spirit of democracy and individualism. On the other hand, the external conditions of local municipal institutions did not exist in the south. Slavery scattered population. The mild climate, the large tracts of unoccupied land, and the outdoor habits of the people tended in the same direction. Slavery created strongly marked class distinctions. But more, the interior or mental conditions of town government were wanting. Tidewater Virginia or South Carolina, in Jefferson's day, no doubt had a sufficiently dense population to support towns, but towns were foreign to the whole spirit and culture of Virginia and Carolina, as well as of the entire south. Towns can exist only among proper democrats, in temper, in habits, and in traditions; while proper democrats are persons whom slavery did not produce. But while the town system could not exist without

democrats, the county system and oligarchy were perfectly congruous. Southerners long berated northerners for their want of "freedom" and for their centralizing tendencies, but no highly civilized people has equaled the New Englanders in perfection of democratic institutions. To quote Professor Galpin's 'Memoir': "The area of the county forbids any general gathering of its inhabitants vested with the legislative and executive functions of the town meeting, as well as any intimate mutual acquaintance between the inhabitants of its different sections. Of necessity, therefore, the administration of all local affairs is entrusted wholly to the county officers, and the political duty and privilege of the citizen begins and ends on election day." Had Virginia set up the town in 1824, Mr. Jefferson would have been grievously disappointed in the result.

Such were some of the important effects wrought by slavery in southern society in two hundred and fifty years. They were plainly-marked features of the south when, in 1861, in the act of secession, the south with a light heart threw down the gage of battle. Southern men saw the north engaged in making money, and they looked upon northern men as the Duke of Alva looked upon the "men of butter," when he went to the Low Countries. They talked about the "capture of Washington" much as the French officers of the Second Empire talked about "the promenade to Berlin," in 1870. To point out how they were by degrees undeceived would be to relate the his-

tory of the war ; but it came in time. Perhaps I should add that I have not attempted a full account of southern society. Slavery in the south was attended by those better results that are generally or always found in its company. The typical southerner had the traditional dignity, hospitality, self-respect, and chivalry of the slaveholder. In the feudal castle, according to Guizot, domestic manners acquired a great preponderance. "The chief habitually returns into the bosom of his family. He there finds his wife and children, and scarcely any but them ; they alone are his constant companions ; they alone divide his sorrows and share his joys ; they alone are interested in all that concerns him." The plantation was much like the castle in this respect. Debarred by his race and station from performing any labor but that of superintendence ; trained from boyhood in a superior manner ; free in great degree from the tormenting spirit of business and money-getting that follows the northerner by day and perches on his bed-post by night ; easy in his bearing and free in his spirit ; hospitable to a fault, surrounded by a cultivated family — the southern gentleman never failed to make an excellent impression

on the foreigner whom he took to his home. What is more, the northerner, who understood the real case much better than the European, could not on its own ground resist the captivating influence. The southern gentleman always lived in the midst of crudeness, rudeness, violence, and selfish passion ; nevertheless, he threw over them all a social and personal charm that half relieved them of their defects.*

B. A. HINSDALE.

* One of our late English visitors was charmed with what he saw in New Orleans :

"On arriving at New Orleans the traveler at once discovers the great difference in the social atmosphere, which is manifested at every turn. At the railway station I asked, 'Is this the ticket office?' and not only received a civil reply but the persons waiting stood aside to give precedence to a stranger. The first man of whom I asked a question in the streets raised his hat as he replied. As I descended from the omnibus in front of the St. Charles Hotel, a newsboy said, 'Permit me to sell you a paper, sir, published on the eve of your arrival.' A northern boy would have bawled out, '*Re-pub-lic-an*. Five cents. Last chance.' On entering a church the next morning I asked a little girl at what time the service commenced. She said, 'When the Sunday-school is over.' 'When will the Sunday-school be over?' 'When the bell rings.' 'When will the bell ring?' 'When we have done singing.' No northern girl, however tiny, could have given such poetical and impractical answers."—William Saunders, '*Through the Light Continent*,' London, pp. 66, 67.

SOME OBSERVATIONS UPON THE HISTORY AND LAWS OF POLITICAL PARTIES IN THE UNITED STATES.*

BORN to be politicians, we have some good political histories; some things of the science of politics, and one good history of the Federal party and of politics during the time of that party.† Von Holst, President Porter, and others, have done much for us. No one has attempted an elucidation of the laws which determine the rise, continuance and dissolution of parties. Political power is so widely distributed, exercised with such freedom, there is so little in our institutions to determine the party bias of men, parties shift and change so constantly, influenced mainly by the ever present laws of their being, that seemingly it is not difficult to detect some of these laws. That some of the more obvious are persistently disregarded in an idle attempt to construct parties, renders the subject one of practical importance, as well as interesting. My present purpose is to call attention to the subject, rather than an exhaustive attempt to elucidate the supposed laws themselves, with references to our well known history.

It may be said that a working government consists of three classes of agencies. The frame work, mere mechanics—legislative, executive, judicial machinery; the operatives, the working officials,

including the whole scheme of superintendency; and the owners, who supervise the supervisors. The two first are constitutional and legal. In ours these are defined in writing. The third, in some sort institutional, is purely voluntary. Every man by birth or its equivalent, shares—is a share-owner. No one becomes an operative of any class save by selection, unless service as jurors is an exception. This third factor in its organized methods is in part the subject of this paper. This it is which forms, changes, repairs, controls, dictates what the machinery shall produce; is the proprietor, for whom the whole is supposed to work. Law, enacted by itself, determines its times and methods of performing its proprietary duties, exercising its franchises and powers, as the owner. The great subject of powers and correlative duties is beyond my present purpose. Obviously a people capable of devising a complicated scheme of government for itself, retaining all primary power, will not remit to its employes the power to work the machinery at discretion. As obviously, the proprietors in advance of a given exercise of its power, will determine and declare not only who shall be employed, but the things to be accomplished by the men to be employed. This is commonly done by concert,

* Written in 1883.

† Hildreth's History.

conspiracy, far-reaching, by the agency of organization, more or less perfect. Hence political parties.

A political party, it may be said, is a voluntary association of citizens outside of law, in their primary character, organized to secure, by legally prescribed methods, the possession of the governmental machinery, by which to accomplish definite purposes, as the carrying out a proposed policy; of such extent as to seriously dispute supremacy in the republic. Its rules and methods are creatures of its own devising. Its duties and obligations are not within my present purpose, nor shall I consider the mischiefs and evils incident to party organization and strife. Great as these are, no one has yet devised agencies to take the place of parties. Nor is it apparent how the proprietary powers can so well otherwise be exercised.

Association, personal bias, interest, usually predetermine individual preferences for parties. Education has much influence, family tradition very little. Among the masses of men two constantly acting tendencies are observable, which, in a series of years, do much in determining the character of parties. Some constantly look forward, are restless, uneasy, eager to go on; are hopeful of the future. Others distrust the future; dissatisfied with the present, are looking to the past. The great and good are with the fathers, the time-honored, to which they would return. In the shakings up, the facilities for shifts and changes in our life, it is inevitable that a majority of the pro-

gressives find themselves associated in one party, a majority of the retrogressives in another. But it is observable that a party of progress does not always move forward, and that the stand-still sometimes does spite of itself.

It is the tendency of all parties, a sub-law, to become conservative. A party that has succeeded is hopeful of itself, is satisfied with its doctrines and organization; distrusts, fears the effects of new ideas, new policies; they will endanger present success. It is not a good time to adopt them. There never will be a good time. All parties are subject to this tendency.

It is obvious that a progressive party can alone govern a progressive people and country, as on a better study it will be found that the constant cause of the decay and dissolution of nations has been, and is, they fell into the power of hopelessly conservative governments—a danger we need not fear so long as the republic, as a whole, governs its parties while it is governed by them. There is no essential reason why a people should not advance, save a lack of sagacity to find the way. There is no necessary analogy between the lives of nations and individuals. The examples of the nations of western Europe, of our own time, contradict the theories of this grave matter that obtain among writers.

THE NUMBER OF PARTIES.

No one ever saw three independent armies each making war upon the other two. The thing is impossible. No one

ever saw three distinct political parties at the same time in this country, and never will. The periods nearest approaching such a condition were brief, were times of dissolution, new formation, transition. Three armies on the same field lead to coalition, alliances. The battle is between two. Men puzzled by what they see, ask why can there not be three parties? The reason is found in the illogical disposition of men to take the ready-made and offered in preference to the labor of making are often unable to make for themselves. Two men fall to a discussion in the thoroughfare. The comers and goers take sides with one or the other. Practically there are but the two sides. In all the extended periods of our history men found ready formed political notions, organized parties in the field, and attached themselves to one or the other. Inevitably there never can be but two parties, answering our—any rational definition of a party.

A PARTY CANNOT BE MADE.

If there is anything demonstrated by American political history, it is that a party cannot be made. No matter what the seeming necessity; no matter who employ themselves in the task, or the means they employ, a party by conspiracy, convention, deliberate and purposed effort, has not been, cannot be made. Spontaneity, germination, growth, which men by convention cannot command, are absolutely essential. Some attention to this law, as obvious as that three parties cannot concurrently exist, would have saved the vast labor and

expense exhausted in the vain effort to construct a new political party; fruitful as educational enterprises, ludicrously abortive in declared purpose. Recall the years—the lives and fortunes of the most devoted, and of many of the ablest men and women, in the persistent effort to build up a political anti-slavery party—the Liberty party—Third party, as it fatally called itself. In the form of the Free-soil party of 1848, there was almost a small momentary success. Its greatest immediate service, doubtless, was the destruction of the Whig party—quite ready for death.

So the continuing, abiding effort to build up a Temperance party, the Greenback party of the present may be cited. The efforts of the Woman Suffragists are not to be confused with these. Their labors have been purely educational, so far as independent effort is involved. There was the notable instance of the attempt to set up the American party, in 1850-56.

It is an effort of the memory to recall the great attempt to create a party by convention—the greatest, most elaborately prepared, and by men of high position, character and influence, at Philadelphia, August 13, 1866. A spacious building was erected for its birth; every congressional district of the great Republic was represented; a senator and cabinet minister ruled, and silence and harmony prevailed. Dramatically, Massachusetts and South Carolina* walked vicariously arm in arm to the new forum and altar; a great

* Wilthrop and Orr,

editor† read a piece, the great convention resolved the new party ; in expectant silence and tears it was supposed to be born ; a silent benediction was pronounced over it ; the great convention dissolved, and the public tremor, the great apprehension of the dominant power in congress subsided. All flavor of the impending party passed out of the air.

Men believed they could make one. Men still think a political party can be made. The experiment has been many times attempted, and will be repeated.

American history is rich in material for a study of the rise and fall of political parties. Since the adoption of the constitution, five have arisen, of such proportions and power that each in turn, for a time, controlled the destiny of the Republic. The cause of the rise of the first is patent. Those who believed in the new government, its needs and its inherent capacity, at once united in its support and upbuilding. They imparted to it working form, gave it abundant vigor, watched and guarded it till it took firm root ; they placed in the supreme court men of power and capacity to deal with the constitutional questions that would arise later, and passed away like the older men of the later time, who conducted the Republic through the civil war ; these men of the Revolution were incapable of new ideas, were unequal to the new exigencies to which they conducted the Republic. The young men and blood of the party docily remained in the checking hands of the seniors. Necessarily the party perished. It died of

†Henry J. Raymond.

pure inability to adapt itself to the new conditions, as was inevitable. It is said with unanimity from Mr. Hildreth, the historian of the party to the present time, that it was the task of the Federalists to fashion, launch the constitutional government, and send it upon its proper course. Having performed this mission, it disappeared. Had the Federalists possessed the power of acquiring new ideas, of flexibility, progress, it would have survived, might govern now. I linger on this point as a most impressive lesson. The colonial and revolutionary period, was one of transition, political and social, from monarchy to republicanism, from aristocracy to democracy. The Federalists associated power with its old world trappings. Its holders must have constant surroundings. They could conceive of no life without social appendages. Jefferson's greatest service was his exhibition of power in its simple use, to which his habit, personal and social life, conformed. A troop of cavalry attended the first vice-president from his Massachusetts home to the National capital. The third President, on horseback, went unattended to his simple inauguration. The party which elevated him, and which called itself Republican, was composed of the men, the elements of accumulating opposition as much to the manners and forms of the Federalists, as to their admitted principles. The rough shaking up, incident to the agitations in France, more sensitively felt here than any foreign commotion ever again can be, furnished ground and added numbers to the anti-Federalists. This was a party of oppo-

sition largely a negative party, to the formation and continuance of which the Federal party was a necessity. It could not stand alone, and when its great opponent disappeared, it quietly dissolved—no party ever so quietly, if really it was a party.

It is a grave mistake to suppose that the Federalists were destroyed by the Republicans. That which continued to give consistency to the younger party was the presence, aggressive vigor and menace of the Federalists, from the personal qualities of the men, after their organization itself ceased to be formidable. The war of 1812 doubtless prolonged the existence of the Republican party. It maintained a seeming form through the administration of Mr. Monroe, and with it disappeared.

There is a wide popular claim, and something of acquiescence in it, that the Democratic party of to-day is the direct descendant, a continuation and heir of the party that elected Mr. Jefferson. A more baseless claim, in fact, cannot be made. The period which followed, from the retirement of Mr. Monroe to the first election of General Jackson, was one which saw no political party in the United States. It was one which followed the dissolution of parties; one of fermentation preceding new growths, new crystallizations, new organizations. There were plenty of factions, personal followings, a time of intensely bitter personal strifes. If the period of Monroe's administration was the "era of good feeling"—there being no parties to contend—the years of the younger Adams antedating his administration

was one of the bitterest for personal vituperation and slander known to history.

THE RISE OF NEW PARTIES.

It is comprehensible why parties disappear. Their rise is not always so apparently logical. Out of the chaotic elements new and well organized parties were to arise. The younger Adams had not a particle of personal magnetism. It was out of his power to attempt to wield executive patronage—that snare and delusion of some of his successors, to build up a party. The loose organization of his nominal supporters dissolved ere he passed from the executive mansion, and became the units or fractions of new future combinations. Combination is not a word useful in defining a real party. For the time there were no parties. The days of personal leadership had not then all passed in American politics. The difference between great and common men was still very appreciable. The strong personality of General Jackson, his prestige as a military leader, the positive lines of his character, the popular sense of injustice done him by the election of Mr. Adams, made him the centre of a new gathering of the widely floating elements. To this must undoubtedly be added a wide and worthy desire to grasp the offices and places which his election would place at his command. No two men of our history are more dissimilar than Andrew Jackson and Thomas Jefferson.

The new party, at first known as the Jackson party, soon called itself the Democratic, and later by its opponents

Locofoco, had seemingly few elements of permanency. In policy it was negative, when not destructive. It reelected its favorite by a largely diminished majority, elected his successor, and almost disappeared in an attempt to reelect him. In the meantime the new aggressive slave power was making itself felt. Aggressive with unity of spirit and purpose, it controlled a hemisphere of the Republic, and with even a weak alliance with the other half, it would of necessity become the dominant power of the United States. It found this ally in the Democratic party of the free states, whose name it took and ruled in it as it would.

Meantime the mass, a minority, remaining outside the Jackson Democratic party, and which opposed his election, included largely the brains, intelligence and much of the better elements of American life. The aggressive policy of the new administration compelled a closer union of these outside elements. It—the opposition—embraced the men of ideas, of policies; men with positive views, who would wield the powers of the government to accomplish affirmative, positive things. It became more than a party of opposition, had largely the elements of perpetuity. It called itself Whig, and elected General Harrison President in the great campaign of 1840; was defeated at the next presidential election; succeeded in 1848, and disappeared as a real power in the election of 1852.

The condemnation of the Whig party was meritedly severe. With its light and knowledge, its capacity to adopt

new ideas, it obstinately rejected them. It held slavery to be perpetual, invulnerable; would share in place by its aid, vainly prostituted itself at its feet, and perished in the impossible effort to make itself more acceptable to it than its great opponent. It could hardly do otherwise, retaining as it must its southern wing.

Some words of the time of the dissolution of the Whig party. Its name as an organization remained in the states for several years, and there was a brief period during which, in some of them, there were seemingly three parties. In Massachusetts and Ohio the Democratic, Whig and Freesoil; as in New York the Democratic, Whig and Barnburners. As later, for a time, through the north were the Democratic, Whig and Republican—a period of transition, and one of the most interesting in history for a study of parties.

The aggressions of the slave power were such as to compel resistance. Every inch of the nominally free states had to be won from its dominion, so subservient had been the great Democratic and Whig parties to its demands. First the northern territory, the legislatures of the northern states, and finally, through the efforts of Mr. Adams, Mr. Giddings, Mr. Slade, Mr. Morris and Mr. Hale, some footing was found in the two houses of congress. It is to be remembered that every inch of these was won by sore conflict and held by conquest.

RECASTING PARTIES.

The period of the dissolution of the

Whig party was also one of rebuilding, reconstructing parties; and it is to be borne in mind that all new parties are composed of the elements of the older, with such of the annual accessions to full citizenship as the youth of the land and immigration from other lands supply. These uniformly flow into existing parties, and can seldom be estimated in a forecast of new parties. They accept parties already in existence. Old parties are to be dissolved ere new ones are possible. No account will be taken of the American party, called the "Knownothing," which in 1856 gave over 871,000 votes for Mr. Fillmore. It was one of the abortive attempts at party building, attendant upon a period of reconstruction, as that time eminently was.

Though the north was reconquered to freedom, it seemed impossible to build up a party for its protection and extension. In 1840 the Liberty party cast 7,000 votes. In 1844, 62,000; in 1848 the new organization known as the Freesoil, in which the Liberty party was absorbed, cast 290,000 for Mr. Van Buren. In 1852, under the name of the Free Democracy, the anti-slavery men cast 156,000 for Mr. Hale, and this was coincident with the disappearance of the Whig party from the national contests. The first national appearance of the present Republican party was in 1856, when it cast 1,341,000, while the Democratic cast 1,838,000 and the American 871,000. Unlike political parties in England, which have a vitality and tenacity which carry them over national and domestic fortunes,

they have disappeared in the United States in periods of calm. The time from 1846 to 1856 was not such a period. The aggressions of slavery convulsed the republic; and yet, from 1840 to 1856, the most persistent efforts of able men to build up a real party to resist its encroachments, were unavailing. Finally, as would seem, the ground upon which it rested was narrow and illogical; merely that slavery should be planted upon no more free territory. Upon analysis this single and, as stated, negative thing, was essentially affirmative, aggressive. It was most fortunately and happily designed and expressed. It at once arrested popular attention, enlisted sympathy and excited immediate alarm. A set of men, fortunate in a period when a single, simple, easily seen and felt important thing is presented to the eye, the grasp, who raise around it a rallying cry, are certain of immediate attention and great following. On the contrary, an abstract proposition, no matter how important a thing to be made apparent only by argumentation, never can be made a party cry—a thing to arouse sympathy, kindle enthusiasm. The mass need something they can see, feel, handle, apprehend, without explanation.

Protection to American industry is an obvious thing, though what is protection and how is less apparent. It would be dangerous for any party under present lights to array itself against this dogma. Whatever may be the results of pure science, the practical sense of the common mind will

only grasp the obvious — even if shallow.

Purely monetary questions are of less value and less danger, as their aspects are less obvious. That party will sooner or later be in a bad way, which can only present a series of propositions to be made apparent by argument, or that only invite to a backward look.

Each of the great parties, Democratic and Whig, ignored the political evils of slavery. One of them could not question them, the other dared not; yet resistance to them had become a practical necessity. To give effect to that necessity, a new political party was also a necessity. Men elaborated platforms, called conventions, made speeches, published newspapers; yet the needed party would not appear. In the ripeness of time, the proclamation of no more slave territory, filled the earth with armed men, who abolished slavery itself, and so were done with it. Curious that this idea was so tardy of appearance. Nay, it was for years ineffectively proclaimed by the Free-soilers.

As seen parties are apprehensive of new and disturbing ideas, are not hospitable to them, and so it happens, that when a new idea, important to the people, finds itself evolved, usually, before it can get itself employed in the working processes of the government, it will be obliged to make for itself a new party, as the governing idea of the Republican party did. Rejected of both, it formed a new one. The far-reachingness of the idea, no one foresaw. It took to itself from both parties, by a certain logical selection, those

fittest for its use, leaving the refuse where they were. For a time there seemed to be three parties, the Republican took all the Free-soilers, the Free Democrats, all the anti-slavery Whigs; all the anti-slavery Democrats and the residuum united under the name of the Democracy, which remained entire through the south, and maintained its organization at the north. The Whig disappeared. Its radical, progressive members became Republicans. Its conservatives united with the Democrats. This will ever be the course. There can be but two parties. A party incapable of new ideas must sooner or later disappear. A party may spring into existence as an opposition party, called into existence for the very purpose of opposition, as the party which elected Jefferson; the party which elected General Harrison to begin with.

A party may for a time, live on mere opposition. The Federal party was dissolved while in opposition, as was also the Whig; while the first Republican party disappeared without any apparent necessity except the struggle of its leaders for supremacy in it. Probably a vigorous party, in opposition it would have prolonged its life; alone it fell into factions and fractions. For the formation of a new affirmative party, some paramount practical, obvious thing is essential, which draws from existing parties, leaving the residuums to unite against it. A party progressive, capable of new ideas should survive as long as this capacity remains in a healthy condition. These are the teachings of our experience.

PERILS OF SUCCESS.

A new party for the first time successful, finding itself in possession of the national government, meets unanticipated difficulties, perhaps perils. It is unaccustomed to place, to govern, to its responsibilities. There is much in the mere thing of being accustomed to govern. In England a large class of men are born, educated, in a way set apart, to the business of government. If they do it well they only do not discredit their training. Americans are born to politics; unhappily, they are not educated to what their birthright requires, and hence, practically, few things are settled in our politics. The new Republican party, when it came into power in 1861, though it had many able and experienced men, as a party had no experience in affairs, save, briefly, in opposition, which unfits for administration. Fortunate in this, it was confronted by a gigantic danger which silenced all causes of party quarrel, save the best means of meeting the enemy. It was *compelled* to harmony. Everything went to swell the executive arm. Congress became a committee of ways and means—in effect.

Should the Democratic party succeed to the complete possession of power it would, trained as it has been all these years, in the usually easy position of the opposition, find many new difficulties. Its great leaders would be placed where all their real qualities would be more conspicuous. Theirs would be the affirmative. The party itself would be put on new trial under conditions of peril. A new party, with an affirmative

policy, has yet a greater difficulty. The possession of power with its correlative responsibility, gives the leaders new views of their proposed measures. They enter upon their execution with caution, if at all. When fully engrafted upon legislation, their working is often disappointing. The men who make the mass of a party always expect from its success immediate personal benefit, which is impossible, so that when the proposed programme is carried out, with fair success, there is an aggregate of complaint and discontent dangerous to the continued supremacy of the party.

There is even a more obvious source of disquiet and peril. Under usage, at least from 1829 till the enactment of the civil service statute, a new party, or an old one in opposition, succeeding in a national contest, succeeded to a redistribution of all the executive, a few legislative, and possibly some judicial places—certainly to all of the places in the foreign service, diplomatic and consular. This, deemed a source of great strength, is really, in a run of years, a source of great peril and weakness. Imagine a party drummed together mainly to secure the places—the spoils. On success there may be one hundred thousand to be distributed among the three or four millions. The result would be the signal of dissolution, or would reduce the party to an opposition party at the first succeeding election. How many promising politicians have been permanently retired for the direction they had been permitted to give to the places within their neighborhoods. More than one administration has been discredited by its own

party for this cause. Mr. Pierce did not survive his term. What would have been the fate of Mr. Buchanan had he escaped entire destruction by the attempted disruption of the government itself, may only be surmised. It is one of the most obvious arguments in favor of a reform in civil service—the effect of the unrestrained control of place upon those who have exercised it. The dismal failure of President Tyler to build up a party, or to secure even a decent support by this means, is a practical demonstration of its worthlessness in a party point of view. It may be asserted that a renunciation of the power would be less hurtful to a party than such an exercise of it, as has more than once prevailed in the course of the executive department of the government. The success of the party at the national polls conducts it to the verge of new and unknown perils. More than one administration has been wrecked in the labors of its own launching.

THE OPPOSITION.

The party elected to the opposition seemingly is placed in an easy, irresponsible position. This is but seeming. The place is one of delicacy, responsibility and danger. The fortune of the country, the future of the party, depend upon its tact, wisdom and patriotism. It is never safe to rely upon misleading the masses. The acts and sayings of parties are hung in the open air, beaten by the winds and rains, tried by the atmosphere and sun. They are certain soon to be seen as they are, and the other side will certainly expose them.

There are many things national, safe in the hands of either party, upon which they may not widely disagree—the public expenses, maintenance of the army and navy, care of the public works and buildings—yet of the strength of the national arms, what is proper expenditure, what works shall be undertaken, offer margins of wide and difficult difference. A party has for the time suffered defeat from its action on an appropriation bill in the house.

I do not discuss so much the duties of parties as the consequences to themselves and opponents, of given action.

Upon distinctive lines of policy, the parties stand in opposition. A great unforeseen vicissitude arises—a foreign war. What, then, is wise for the opposition? The administration is the war party, the patriotic party. All wars are popular, no matter what the cause; a people soon gets its blood up. Let men beware.

A party in opposition largely maintains itself by opposition. If it coincides with the administration it disappears. But to oppose a war is to become an ally of the national enemy. The English Whigs of the time of Fox and Burke, stood by the revolted colonies, were their friends. Many of the New England Federalists, indeed the party opposed the War of 1812, on very good grounds, and became very odious. Warned by their temporary fate, the later Whigs supported the war with Mexico, one ardent partisan declaring that he was ready to "go for war pestilence and famine," in the interests of his party. In 1848 the Whigs elected a successful

general to the Presidency, and perished in 1852 in the effort to elect the commander-in-chief in the same war.

The Federalists did not perish because of their opposition to the war of their later time. They were moribund ere it began. The Whigs were doomed, probably, for their course in the Mexican war, and general subserviency to the pro-slavery power.

The outbreak of the Rebellion made the larger portion of the Democratic party armed enemies, not alone of the Republicans, but of the Republic. For quite the first year of it, the Democratic party of the north, disappeared. The Republicans were the nation. To Mr. Valandigham it was apparent that if this condition of things continued, his party would not again appear. He was charged with other purposes. It was mainly through his efforts that, early in 1862, the Democratic party reappeared. It was a party in opposition, must oppose the war, or remain at least in abeyance. Its opposition made it the ally of the Rebellion, which early assumed the proportions, and most of the forms of a public war. The effect of this course upon the events of that time are not under consideration. Its effects upon the Democratic organization, have been slow to disappear. With a different course, the mere eagerness for change would years since have placed it in power.

THE USE OF THE OPPOSITION—RESULTS.

The evils of parties are apparent. The real—the larger goods worked out by them are less obvious. Men are more eager to apprehend—condemn

wrong, than to acknowledge and reward well-doing. Next to the service of a progressive party in the ascendant, is the use of a vigilant, powerful, intelligent opposition. The greatest good the result of the conjoint action of the two. In politics and literature nothing is so stimulating as vigorous, discriminating criticism. Each party is always in the presence, under the immediate watchful eyes of the other; public and private morals, maugre the wash of vituperation and libel, are promoted by it. A measure no matter with what care devised and prepared by the administration, is never so clearly seen and understood as when put under the crosslights and fire of the opposition. It is true it is assailed in whole and parts. It is this alone which can develop its real character short of trial in practice often surprising or disappointing.

A progressive party is steadied, made cautious by the conservative. The conservative is obliged to go forward or be left out of the contest, out of existence. It must keep up to keep in the fight. When in opposition, the progressive leads it; when in possession of the government, the progressive drives it. A conservative party cannot govern a progressive country long unless the country wills it.

Whoever has for a series of years observed parties, official life, congressional struggle, and the course of politics, must have noted a perceptible advance in the personnel of the members of the two houses of congress. A gain in the aspect and attitudes of parties. A real searcher for the philosophy of

American politics would find his labors compensated by an exhaustive study of the twenty-two large volumes of congressional legislation. He would find much that is crude, fragmentary, short-sighted, incommensurate. The work of men but dimly seeing, men thwarted by outside conditions, by the obduracy of the matter with which they were dealing, not masters of themselves, not always equal to the demands upon them.

He would be struck with the practicality of their work, the adaptation of means to ends, that in the main the public good has been kept steadily in view, and parties in proper subordination to duty, that on the whole the tendency of legislation, the spirit of national law, has been on the line of enlightened progress. It is to be remembered that this is the product of continuous party struggle. Congress is a chronic battlefield, where the great parties join in conflict, which agitates, sometimes convulses the Republic. Much of the evil in our legislature is due to common imperfection, much to party conflict. Much of our gain is due to general advance, much may be claimed as wrought out by party agency. Let us believe the good from this source largely predominates.

LEADERSHIP.

Leadership, as once known in America, and still prevailing in England and on the continent—where the doctrines of great men are the platforms of a party, their courses the lines of march—has no further place in the workings of American parties. It is not so much

that great men cease to appear on our boards, as that the distance between great and common men is much diminished by the advance of the last—an advance which has produced a new spirit. A party now takes itself fully within its own control, and dictates to its leaders as well. Whatever is gained in intelligence and independence, by this change, so valuable to the individual, is lost in unity and efficiency to the party as a working organization. The difference is that between an intelligent democracy and an aristocracy. The place of the leader is for the time occupied by what is aptly called a *boss*—a man employed by the proprietors to work their employés in their interest. In politics he gets possession of the party machinery, and works the proprietors in his own interest.

A discussion of party management by conventions and committees lies beyond my present purpose. There are indications that the growing intelligence of the citizen is rapidly diminishing the power of mere managers, as it must be the sole source of most political remedies. It may, however, forever remain a problem—the devising practical instrumentalities for the accomplishment of good, which shall be beyond the reach of the designing, for the accomplishments of sinister ends.

This rapid survey must include a glance at one other aspect of parties, and of existing political organizations.

The American who now matures to citizenship finds the whole field of practical politics in possession of two great parties, which have severally a code

of declared principles and prepared programmes. The most of these junior citizens reach the age of full possession of the franchises with views or predilections which enable them to take places in one or the other of the parties. Take an individual. He may be a young man of ability, discrimination, and strong lines of character; capable of understanding and choosing. If he is studious, he sees his only chance to engage in practical politics—as is his paramount duty—is to cast himself in with one or the other of the great parties, or he must forego all fruitful use of his franchises. He may think he sees that the platform of those who would employ extreme legislation to suppress the evils of intemperance is too narrow for a national party; that the evils aimed at are too deep for legislation; that the means employed often make the Prohibitionist the ally of those who would permit the thing he seeks to do away with.

He cannot seriously consider the notion of those who fancy a party can be evoked which seeks to employ the legislative will to declare that paper is money, with essential power to make it such. He examines the declared principles of the great parties, their programmes, and sees that they do not embrace many proper subjects of political action. On study and reflection he sees that a new party cannot be made. That while one may be called into existence, to overturn a party in power when it has obviously lost the confidence of the people; yet something more is necessary for a permanent organization; an affirmative party which shall do some-

thing. There must be something of immediate national importance, rejected by both parties obvious, a thing which proclaims itself and cries to have itself done. Without this, a new party, a party of progress, is impossible. With it he must await the disintegration which its presence will work in existing parties.

On closer study of these parties he finds that their declaration of principles and politics are not more than half sincere; made quite as much for blinds—to mislead—as to convey a real clear idea of their holding and purpose. If he is not disgusted, and is a student of political history, he finds that it is rather by discovering the tendency of a party, than by any declaration of sentiments and purposes, that its value as an existing organization may be estimated. He may not care much for its history, its earlier career. Its present capacity for good may, to some extent, be determined by its present tendency; its unconscious declaration of its real purpose.

The Republican party had the capacity of new ideas. It escaped the fate of the Federal and Whig parties, which from affirmative became negative. Defeat will not destroy it, will help to purify it. That it is progressive may not be an objection. Its danger lies in another direction. It is the least docile of parties. It questions its leaders—exposes, tries, condemns them. It requires more, demands more of them than was ever before required of leaders by a party. He sees also that the party is held to a stricter and higher accountability than any other party in America to-day. He queries what this means. He may not, probably

does not, believe in its dogma of protection. There certainly is no flaw in the demonstration of the opposing school of economists. He wonders if the average mechanic, manufacturer, and editor, dealing with the thing, practically, can stand a chance of being right against the almost unanimous scientific world. He don't care much about the charge of fraud and corruption made on the party generally. It has had the control of the places and the money, and largely the mercenary world seeks for shelter under its skirts. The party has dealt mercilessly with them, and has just and high aspirations.

While he is disgusted with the rougher elements of the Democratic party, the steady adherence of these to its fortunes is in their favor. He fancies there is a pervading element of frank manliness—they have this in common, markedly more than their opponents. They are truer to party and leaders, exact less, will endure more, and he likes them for it. They have been sufficiently punished for their past. He sympathizes with them in their years of defeat. He don't expect much from them, but is half a mind to try them.* He remembers times when the thoughtful seniors sympathized with a defeat of the Republicans. They had deserved it, had ruled long enough. He has a

* If he is a southerner he will, for there they occupy the place of honor.

great mind to try the Democrats. He knows a party never can be judged until it has been in power and shows all its points. They cannot ruin the country. There is the Grand Army of the Republic, all the great Republican leaders, all the old Republicans. They will take care of the country anyway. They always have and will. He has more than a half a mind to try the Democracy. He don't think much of their looking back to Jefferson; but they now skip Andrew Jackson, and they do not propose to change the general policy of the last few years, nor undo any of the great accomplished things.

He does not like the attitude of the party on civil service reform; but then it has none of the places. Can it be that a greed of office is an undeclared motive of the party? It will doubtless change its position after securing the offices. He does not like its course toward some of its leading men on this civil service, nor on the question of paper money. He distrusts its tendency. The aspirations of the party are not high. He would not care to become permanently identified with it. What will he do?

Evidently he is not an ideal young man. What is there, what has there been in American party politics to form ideal young men?—a grave, the gravest, question.

A. G. RIDDLE.

THE BLACK HAWK WAR.

I.

THE FIRST CAMPAIGN.

FEW events in the early history of the northwest were as picturesque, as tragical, or as fraught with weighty consequence as the Black Hawk war. Although many of its incidents were paltry enough, compared with those of numerous subsequent Indian engagements, none of the latter have been so persistently misrepresented for partisan purposes. Immediately after the close of the war, ambitious writers who had served with the army hastened to record their impressions in printer's ink, in the frontier newspapers and in book form. But these publications seem chiefly to have been designed as electioneering documents to "boom" for political purposes the war records of some of the officials engaged in the service, and to correspondingly belittle the deeds of others. Subsequent controversies, actively continuing through a score of years, were chiefly conducted through the mediums of documentary collections, speeches, newspapers and unpublished manuscript letters. Even at this late day a few well preserved Black Hawk veterans are still living, who occasionally address pioneer gatherings and dictate reminiscences for the press, which are well-intentioned enough but must be taken with a grain

of allowance, for they smack of the partisan predilections of a half century since. As the result of these prejudiced utterances, and in the absence of any standard detailed account of the war, written from an unbiased modern view, there have developed in the public mind vague and in a great measure incorrect notions of the war, its causes, its incidents and the relative merits of its chief participants. It is the attempt of this paper to expose some of these fallacies by presenting an outline sketch of the famous uprising, in the preparation of which partisan sympathy has not entered, the unvarnished truth being alone sought from wholly original sources. Such a sketch is made particularly feasible at this time by a recent discovery in the archives of the State Historical Society of Wisconsin, of heretofore unpublished historical materials which throw strong side-lights on important details of the war.

On the third of November, 1804, the United States government negotiated a treaty with the Sac and Fox Indians, by which, mainly for the paltry annuity of one thousand dollars, the confederacy ceded to the whites fifty million acres of land, comprising in general terms the eastern

third of the present state of Missouri and the territory lying between the Wisconsin river on the north, the Fox river of the Illinois on the east, the Illinois on the southeast and the Mississippi on the west. There was an unfortunate clause in this compact—article 7—which became one of the chief causes of the Black Hawk war. Instead of obliging the Indians to vacate the ceded territory at once, it was stipulated that, "as long as the lands which are now ceded to the United States remain their property, the Indians belonging to the said tribes shall enjoy the privilege of living or hunting upon them."

Within the limits of the cession was the chief seat of Sac power*—a village situated on the north side of Rock river, three miles above its mouth and the same distance south of Rock island, in the Mississippi. It was picturesquely located, contained the principal cemetery of the nation, and was populated by nearly five hundred families, being one of the largest Indian settlements on the continent. The soil there was alluvial in its composition, produced enormous crops, and the aboriginal villagers took great pride in the cultivation of a tract some seven hundred acres in ex-

tent, north of the town and running parallel with the Mississippi river.

From the beginning of the present century the principal character in this village was Makataimeshekiak, or the Black Sparrow Hawk — customarily styled Black Hawk. Born at the Sac village in 1767, he was not a chief by either heredity or election, but held that position over his own band by common consent. Although not possessed of superior physical, moral or intellectual endowments, the force of circumstances caused him to become a national celebrity in his own day and a prominent figure in western history for all time. He was a restless and ambitious savage, possessed of some of the qualities of successful leadership, but without the capacity to attain the highest honors in the confederacy. He early became a malcontent, jealous of Keokuk, Wapello, Morgan and the other constituted chiefs, continually sought excuses for openly differing with them on questions of policy and in council arrayed his followers against them. He was much of a demagogue, and aroused the passions of his people by appeals to their prejudices and superstitions. It is probable that he was never, in the exercise of this policy, dishonest in his motives. He doubtless was sincere in the opinions he championed. But he was easily influenced by the British military and commercial agents, who were continually engaged, previous to the war of 1812-13, in cultivating a spirit of hostility between the northwestern tribes and the Americans, and was led by them to always consider

* The Sacs and Foxes had, from the middle of the eighteenth century, occupied the banks of the Mississippi, between the mouths of the Missouri and the Wisconsin. The confederation, in times of peace, was more nominal than real. There was much jealous bickering between the tribes. In general, the Foxes, who occupied the west bank, and were the smallest tribe, numerically, were more conciliatory toward the whites than were the Sacs, who dwelt chiefly along the east bank.

himself under the special protection of the "British father" (general military agent), at Malden. He was readily duped by those who, white or red, were interested in deceiving him; a too-confiding disposition was ever leading his judgment astray. The result of his daily communication with the Americans too often rudely shocked his high sense of honor, while the uniform courtesy of the treatment accorded him upon his annual begging visit to Malden, contrasted strangely, in his eyes, with his experiences with many of the inhabitants on the Illinois border.

Black Hawk was about five feet four or five inches in height, and rather spare as to flesh; his somewhat pinched features intensified the effect of his prominent cheek-bones; he had a full mouth, inclined to be somewhat open when at rest; a pronounced Roman nose; fine "piercing" eyes, often beaming with a kindly and always with a thoughtful expression; no eyebrows; a high, full forehead; a head well thrown back, with a pose of quiet dignity, and his hair plucked out, with the exception of the scalp-lock, in which, on ceremonial occasions, was fastened a bunch of eagle feathers. The conservative braves of the confederacy, who were friendly to the Americans, regarded the Hawk with kindly compassion. He was thought by them to be misguided, to be the credulous catspaw for others, but his sincerity was not often doubted. His own followers who, from the closeness of their intercourse with the Canadian authorities, were known as "the British

band," appear as a rule to have venerated him as a patriotic sage.

At the outbreak of hostilities between Great Britain and the United States, in 1812, Black Hawk naturally sided with Tecumseh and the British, and, accompanied by a band of two hundred Sac braves, served under the great Shawnee chief until the death of the latter at the battle of the Thames, October 5, 1813. Black Hawk—who had, in company with the Pottawatomie chiefs Shaubena and Billy Caldwell, been near to Tecumseh when he fell—at once hurried home. He would, he tells us in his autobiography,* have remained quiet thereafter, until the close of the war, but for a fatal injury which had during his absence been inflicted by a party of white ruffians upon an aged friend whom he had left behind at the village. In consequence of this outrage, it was the thirteenth of May, 1816—nearly eighteen months after the signing of the treaty of Ghent—before the British band of the Sacs could be induced to cease their retaliatory border forays along the upper Mississippi and sign a treaty of peace with the United States.

After burying the hatchet, Black Hawk settled down into the customary routine of savage life—hunting in winter, loafing about his village in summer, improvidently existing from hand to mouth though surrounded by abundance, and occasionally varying the monotony by visits to Malden, from whence he would return laden with provisions, arms, ammunition and trinkets, his stock of vanity

* Dictated to a government interpreter in 1833.

increased by wily flattery and his bitterness against the Americans correspondingly intensified.

It is not at all surprising that he should have hated the Americans. They brought him nought but evil. The even tenor of his life was being continually disturbed by them, and a cruel and causeless beating which some white settlers gave him in the winter of 1822 was an insult which he treasured up against the entire American people.

In the summer of 1823, squatters became covetous of the rich fields cultivated by the British band, and began to take possession of them. The treaty of 1804 had guaranteed the Indians the use of the ceded territory so long as the lands remained the property of the United States and were not sold to individuals. The frontier line of homestead settlement was still fifty or sixty miles to the east; the country between had not yet been surveyed and much of it not explored; the squatters had no rights in this territory, and it was clearly the duty of the general government to protect the Indians within it so long as no sales were made. The Sacs would not have complained had the squatters settled in other portions of the vast tract, and not sought to steal the ancient village which was their birthplace and contained the cemetery of their tribe. Outrages of the most flagrant nature ensued. Indian cornfields were fenced in by the intruders, squaws and children were whipped for venturing beyond the bounds thus set, lodges were burned over the heads of the occupants. A reign of terror ensued, in which the

frequent remonstrances of Black Hawk to the white authorities were in vain. The evil grew worse year by year. When the Indians returned from their winter's hunt each spring, they always found their village more of a wreck than when they had left it in the fall. It is surprising that they acted so peacefully when treatment so outrageous was persisted in.

Keokuk and the United States Indian agent at Fort Armstrong—which had been built on Rock island about 1816—continually advised peaceful retreat across the Mississippi. But Black Hawk was stubborn as well as romantic, and his people stood by him when he appealed to their love of home and veneration for the graves of their kindred. He now began to claim that the treaty of 1804 was obtained by fraud and that the land on which the village stood had never been honestly purchased by the United States. This was the weak point in his position. At every treaty to which he had "touched the quill" since that date he had, with the rest of his nation, solemnly reaffirmed the integrity of the compact of 1804; that he thoroughly understood the nature of its provisions there is no reason to doubt. But this fact he now conveniently ignored. His present views were endorsed by the mischief-making British agent at Malden, by the Winnebago prophet, and by others of his advisers. All of these urged him to hold fast to his land at all hazards, insisting that the United States would never venture to remove him by force.

White Cloud, the prophet, was Black

Hawk's evil genius. He was a shrewd, crafty Indian, half Winnebago and half Sac, possessing much influence over both nations from his assumption of sacred talents, and was at the head of a Winnebago village some thirty-five miles above the mouth of the Rock. He had many traits of character similar to those possessed by Tecumseh's mystic brother, but in a lesser degree. His hatred of the whites was inveterate; he appears to have been quite devoid of humane sentiments; he had a reckless disposition, and seemed to enjoy sowing the seeds of disorder for the simple pleasure of witnessing a border chaos. He was about forty years of age when his sinister agitation bore fruit; was nearly six feet in height, stout and athletic; had a large, broad face; a short, blunt nose; full eyes, large mouth, thick lips, a full head of shaggy hair, and his general appearance indicated deliberate, self-contented savagery. In council the prophet displayed much zeal and persuasive oratory. In the matter of dress he must at times have been picturesque. An eye-witness, who was in attendance on a Pottawatomie council wherein the prophet was urging the cause of Black Hawk, describes the wizard as dressed in a faultless white buckskin suit, fringed at the seams; wearing a towering head-dress of the same material, capped with a bunch of fine eagle feathers; each ankle girt with a wreath of small sleigh-bells which jingled at every step, while in his nose and ears were ponderous gold rings gently tinkling one against the other as

he shook his ponderous head in the warmth of harangue.*

In the spring of 1830 Black Hawk and his band returned from an unsuccessful hunt to find their town almost completely shattered, many of the graves plowed over and the whites more abusive than ever. During the winter the squatters, who had been seven years illegally upon the ground, had finally preëmpted a few quarter-sections of land at the mouth of the Rock, so selected as to cover the village site and the Sac cornfields. This was clearly a trick to accord with the letter but to violate the spirit of the treaty of 1804. There was still a belt, fifty miles wide, of practically unoccupied territory to the east of the village, and no necessity for disturbing the Sacs in the natural progress of settlement for several years to come.

The indignant Black Hawk at once proceeded to Malden, to pour his sorrows into the ears of his "British father." Here he received additional assurance of the justice of his cause, and upon his return visited the prophet, at whose village he met some of the Pottawatomies and Winnebagoes, who also gave him words of encouragement.

When, therefore, he returned to his village in the spring of 1831, after another gloomy and profitless winter's hunt, and was fiercely warned away by

*The name of the prophet, in the Winnebago tongue, was Wapekeshic, meaning "white eye," having reference to the fact that one of his eyes was devoid of color. Pioneers now living, who remember the prophet, differ in opinion as to whether he was totally blind in that organ. He died among the Winnebagoes in 1840 or 1841.

the whites, he, in a firm and dignified manner, notified the settlers that if they did not themselves remove, he should use force. He informs the readers of his autobiography that he did not mean bloodshed but simply muscular eviction. His announcement was construed by the whites, however, as a threat against their lives; and petition after petition were showered in by them upon Governor John Reynolds of Illinois, setting forth the situation in terms of exaggeration that would be amusing were it not that they were the prelude to one of the darkest tragedies in the history of our western border. The governor caught the spirit of the occasion and at once issued a flaming proclamation calling out a mounted volunteer force to "repel the invasion of the British band." These volunteers, sixteen hundred strong, co-operated with ten companies of regulars under General Gaines, the commander of the western division of the army, in a demonstration before Black Hawk's village on the twenty-fifth of June.

During that night the Indians, in the face of this superior force, quietly withdrew to the west bank of the Mississippi, where they had previously been ordered. On the thirtieth they signed a treaty of capitulation and peace, solemnly agreeing to never return to the east side of the river without express permission of the United States government.

The rest of the summer was spent by the evicted savages in a state of misery. It being now too late to raise another crop of corn and beans, they suffered much for the actual necessities of life.

Another difficulty soon arose. In

1830 a party of Menominees and Sioux had murdered some of the British band. A few weeks after the removal, Black Hawk and a large war party of the Sacs ascended the river and, in retaliation, massacred, scalped and fearfully mutilated every member but one of a party of twenty-eight Menominees who were encamped on an island nearly opposite Fort Crawford, at Prairie du Chien. General Joseph Street, the Indian agent at that post, on the complaint of the Menominees, demanded that the Sac murderers be delivered to him for trial under existing treaty provisions. As none of the Menominees who had murdered his people had been given up, and his foray was, according to the rules of savage warfare, one of just reprisal, Black Hawk declined to accede, thereby clearly rebelling against the United States government through its Indian department.

Neapope, who was the second in command of the British band, had gone upon a visit to Malden, prior to the eviction, and returned to his chief in the fall, by the way of the prophet's town, with glowing reports of proffered aid from the British, the Winnebagoes and the Pottawatomies in the regaining of the village. Neapope, who was possessed of much military genius, was an ardent disciple of the prophet, as well as a reckless mischief-maker on his own account.*

* Neapope (generally pronounced Nah-pope) means "soup." He was regarded as something of a curiosity among his fellows, because he used neither whisky nor tobacco. Being a "medicine man," he was in demand at feasts and councils as an agency through which "talks" could be had

The advice of the soothsayer was, that Black Hawk should proceed to the prophet's town the following spring and raise a crop of corn, assurances being given that by autumn the alleged allies would be ready to join the Sac leader in a general movement against the whites in the valley of the Rock.

Relying upon these rose-colored representations, Black Hawk spent the winter on the then deserted site of old Fort Madison, on the west bank of the Mississippi, near the mouth of the Des Moines, engaged in quietly recruiting his band. The urgent protests of Keokuk, who feared that the entire Sac and Fox confederacy would become implicated in the war for which the Hawk seemed to be preparing, but spurred the jealous and obstinate partisan to renewed endeavors.

At this period the territory embraced in the Sac and Fox cession of 1804 was an almost unbroken wilderness of alternating prairies, oak groves, rivers and vast swamps. The government had not surveyed any portion of it, nor had it been much explored by white hunters or pioneers, while the Indians themselves were acquainted with but narrow belts of country along their accustomed trails. In the lead regions about Galena and Mineral Point there were a few trading posts and small mining settlements. An Indian trail along the east bank of the Mississippi connected Galena and Fort Armstrong, on Rock isl-

direct with the Great Spirit. He had the reputation of being better versed in the Sac traditions than any other member of the tribe. His history after the close of the Black Hawk war is now unknown.

and. A coach road, known as "Kellogg's trail," opened in 1827, connected Galena with Peoria and the settlements in southern and eastern Illinois. A daily mail coach traversed this, the only wagon road north of the Illinois river, and it was often crowded with people going to and from the mines, which were the chief source of wealth for the northern pioneers. Here and there along this road lived a few people engaged in entertaining travelers and keeping stage teams—"Old Man" Kellogg, at Kellogg's grove; a Mr. Winter, on Apple river; John Dixon, at Dixon's ferry, on Rock river; "Dad Joe," at Dad Joe's grove; Henry Thomas, on West Bureau creek; Charles S. Boyd, at Boyd's grove, and two or three others of less note. Indian trails traversed the country in many directions, between the villages of the several bands and their hunting and fishing grounds, and they were used as public thoroughfares by whites and redskins alike. One of these connected Galena with Chicago, by the way of Big Foot's Pottawatomie village, at the head of the body of water now known as Lake Geneva. There was another, but slightly traversed, between Dixon's and Chicago. The mining settlements were also connected by old and new trails, and two well-traveled ways led respectively to Fort Winnebago, at the portage of the Fox and Wisconsin rivers, and to Fort Howard, on Green Bay. In Illinois the most important aboriginal highway was the great Sac trail, extending in almost an air line across the state from Black Hawk's village to the south shore of Lake Michigan, and thence to

Malden; over this deep-beaten path the British band made their frequent pilgrimages to the British agency.

Between Galena and the Illinois river the largest settlement was on Bureau creek, where some thirty families were gathered. Small aggregations of cabins were to be found at Peru, La Salle, South Ottawa, Newark, Holderman's grove and a little cluster of eight or ten on Indian creek. The lead-mining colonies in Michigan Territory (now Wisconsin) were chiefly clustered about Mineral Point and Dodgeville. At the mouth of Milwaukee river, on Lake Michigan, Solomon Juneau was still monarch of all he surveyed, while at Chicago there was a somewhat floating population of but two or three hundred, housed in primitive abodes nestled under the shelter of Fort Dearborn. There were scattered between these settlements a few widely separated farms conducted in a crude, haphazard fashion, the squatter more numerous than the homesteader, and at best very little attention paid to metes and bounds.

The settlers were chiefly hardy backwoodsmen who had graduated from the Pennsylvania, Ohio and Indiana clearings and come west to better their fortunes or because neighbors were getting too numerous. They were very poor, owning but little more than their cabins, the scanty clothing they wore, a few rough tools, teams of "scrub" horses or yokes of cattle, and some barnyard stock. They were, for the most part, in the prime of life, enterprising, bold, daring, skilled marksmen, and accustomed to exposure, privations and dan-

ger. There were no schools and the only religious instruction received by these rude pioneers was that given by adventurous missionaries who penetrated these wildernesses with the self-sacrificing energies of the fathers of the church, making up in zeal what they lacked in culture.

But upon the heels of these worthies had come thieves, counterfeiters, cut-throats, social outlaws from the east. By nature aggressive, they too often gave to the community a character of wild and lawless adventure. Such men always exist upon the frontiers of civilization, and the Indians, from being more frequently brought in collision with these than with more conservative citizens, were naturally apt to form an opinion of our race that was far from flattering.

Conditions in Illinois were ripe for an Indian war. Many elements in the white population saw benefits to be derived from it. It could give occupation to the pioneer loafers and cause money from government coffers to circulate freely; to the numerous and respectable body of Indian-haters—persons who had at some time suffered in person or property from the red barbarians, and had come to regard them as little better than wild beasts—it offered a chance for reprisal. To the political aspirant a brilliant foray presented opportunities for the achievement of personal popularity, and indeed the Black Hawk war was the chief stock in trade of many a subsequent statesman; while to that large floating element ever to be found on the border,

of persons fond of mere adventure, it presented superior attractions.

On the sixth of April, 1832, Black Hawk and Neapope, with about five hundred warriors (chiefly Sacs), their squaws and children, and all their belongings, crossed the Mississippi at the Yellow Banks, below the mouth of the Rock, and invaded the state of Illinois. The results of the Hawk's negotiations during the winter, with the Winnebagoes and the Pottawatomies, had not been of an encouraging nature; he now suspected that the representations of the prophet and Neapope were exaggerated, and his advance up the west bank of the Mississippi, from Fort Madison, was accordingly made with some forebodings; but the prophet met him at the Yellow Banks and gave him such positive reassurances of ultimate success, that the misguided Sac confidently and leisurely continued his journey. He proceeded up the east bank of the Rock as far as the prophet's town—some four hundred and fifty of his braves being well mounted, while the others, with the women, children and their equipage, remained in the canoes. The intention of the invaders was, as before stated, to raise a crop with the Rock River Winnebagoes at or immediately above the prophet's town and prepare for the war-path in the fall, when there would be a supply of provisions. The traveling was so beset by difficulties, heavy rains having made the river turbulent and the banks swampy, that the party were twenty days in covering the intervening forty miles.

Immediately upon crossing the Mis-

issippi, Black Hawk had dispatched messengers to the Pottawatomies, asking them to meet him in council of war on Sycamore creek (now Stillman's Run), opposite the present site of Byron. The Pottawatomies were much divided in opinion as to the proper course to pursue. Shaubena, who was a chief of much ability, and who had formed a sincere respect and attachment for the whites since the war of 1812, succeeded in inducing the majority of the braves to at least remain neutral; but the hot-heads, under Big Foot and a despicable half-breed British agent, Mike Girty, were fierce for taking the war path. Shaubena, after quieting the passions of his followers, set out at once to make a rapid tour of the settlements in the Illinois and Rock valleys, carrying the first tidings of approaching war to the pioneers, even extending his mission as far east as Chicago.

General Henry Atkinson had arrived at Fort Armstrong early in the spring, in charge of a company of regulars, for the purpose of enforcing the demand of the Indian department for the Sac murderers of the Menominees. He did not learn of the invasion until the thirteenth of April, seven days afterward, but at once notified Governor Reynolds that his own force was too small for the emergency and a large detachment of militia was essential. The governor immediately issued another fiery proclamation, calling for a special levy of mounted volunteers to assemble at Beardstown, on the lower Illinois river, on the twenty-second of the month.

The war news spread like wild-fire.

Some of the settlers flew from the country in hot haste, never to return; but the majority of those who did not join the state army hastened into the larger settlements or to other points convenient for assembly, where rude stockade forts were built, the inhabitants forming themselves into little garrisons, with officers and some degree of military discipline. The following named forts figured more or less conspicuously in the ensuing troubles:

IN ILLINOIS—Galena, Apple River, Kellogg's Grove, Buffalo Grove, Dixon's, South Ottawa, Wilburn (nearly opposite the present city of Peru), West Bureau, Hennepin and Clark (at Peoria).

IN MICHIGAN TERRITORY (now southwestern Wisconsin)—Union (Dodge's smelting works, near Dodgeville), Defiance (Parkinson's farm, five miles southeast of Mineral Point), Hamilton (William S. Hamilton's smelting works, now Wlota), Jackson (at Mineral Point), Blue Mounds (one and a half miles south of East Blue Mound), Parish's (at Thos. J. Parish's smelting works, now Wingville), Cassville, Platteville, Gratiot's Grove, Diamond Grove, White Oak Springs, Old Shullsburg and Elk Grove.

Fort Armstrong was soon a scene of bustling preparation. St. Louis was at the time the only government supply point on the upper Mississippi, and limited transportation facilities and the bad weather incident to a backward spring greatly hampered operations in collecting troops, stores, boats and camp equipage. But General Atkinson was possessed of great energy and executive ability, and overcame these difficulties as rapidly as possible. He had much military skill, courage, perseverance and knowledge of Indian character, and during his preparations for the campaign took pains to person-

ally assure himself of the fidelity of the Sacs and Foxes not of the British band. He also sent two sets of messengers to Black Hawk, ordering him to withdraw at once to the west bank of the river on the peril of being driven there by force of arms. To both messages the Sac leader, now blindly trusting in the prophet, sent defiant answers.

Meanwhile, sixteen hundred horse and two hundred foot volunteers had been easily recruited amid the general excitement, and rendezvoused at Beardstown. They were organized into four regiments, under the commands respectively of Colonels Dewit, Fry, Thomas and Thompson, and a spy (or scout) battalion under Major James D. Henry. The entire force was placed under the charge of Brigadier-General Whiteside, who had been, previous to this, in the command of frontier rangers and enjoyed the reputation of being a good Indian fighter. Accompanied by Governor Reynolds, the brigade proceeded to Fort Armstrong, which was reached on the seventh of May, and was at once sworn into the United States service.

On the ninth the start was made, Black Hawk's trail up the east bank of the Rock being pursued by Whiteside and the mounted volunteers, while Atkinson followed in boats with the bulk of the baggage, two hundred volunteer footmen and three hundred regular infantry, the latter gathered from Forts Crawford and Leavenworth, and under the command of Colonel Zachary Taylor, afterwards President of the

United States.* The rest of the baggage was taken by Whiteside's land force in wagons. The traveling was bad for both divisions. The heavy rains had made the stream turbulent, and the men frequently waded breast deep for hours together, pushing the keel and Mackinaw boats against the rapid current and lifting them over the rapids; while in the swamps along the trail the baggage wagons were often mired, and the horsemen obliged to do yeoman service in pushing and hauling freight through and over the black muck and tangled roots. For many days the troops had not a dry thread upon them, and the tents were found to be of poor quality and but meagre protection from the driving storms on the Illinois prairies.

Whiteside was enabled to out-distance Atkinson. Arriving at the prophet's town he found it deserted and the trail up the river fresh, so he pushed on as rapidly as possible to Dixon's, where he arrived on the twelfth of May. Here he found two independent battalions under Majors Stillman and Bailey. They had been at the ferry for some days, with abundance of ammunition and supplies, in which latter Whiteside was now deficient. These commands were not of the regular levy and objected to joining the main army except on detached service as rangers. The men were imbued with reckless enthusi-

asm, impatient at the slow advance of the army and anxious to at once do something brilliant, feeling confident that all that was necessary to end the war was for them to be given a chance to once meet the enemy in open battle.

They obtained Whiteside's permission to go forward in the capacity of a scouting party, and set out on the morning of the thirteenth, under Stillman, two hundred and seventy-five strong. Late in the afternoon of the fourteenth they went into camp in a small copse of open timber, three miles southwest of the mouth of Sycamore creek. It was a peculiarly strong position for defense. The troop completely filled the grove, which was surrounded by a perfectly clear prairie, slightly undulating. With an Indian enemy, disliking to fight in the open, the troopers might readily have repulsed ten times their own number.

Black Hawk had tarried a week at the prophet's town, holding fruitless councils with the wily and vacillating Winnebagoes. He now positively learned for the first time that he had been deceived. But he pushed on to keep his engagement at Sycamore creek, faint at heart, though vaguely hoping better things of the Pottowatomies. He went into camp with his principal men, in a large grove near the mouth of the creek, met the chiefs of the tribe, and soon found that Shaubena's counsels had rendered it impossible to gain over to his cause more than about one hundred of the hot-head element. Black Hawk asserted in after years that he had at this juncture fully resolved to return at once to the west of the Mississippi

* Abraham Lincoln was one of the Illinois volunteers during the second campaign of this war, while Jefferson Davis, afterwards president of the Confederate states, was a lieutenant of regulars under Taylor.

should he be again summoned to do so by General Atkinson, and never more disturb the peace of the white settlements. As a parting courtesy to his guests, however, he was making arrangements on the evening of May 14 to give them a dog feast, when the summons came in a manner he little anticipated.

The white-hating faction of the Pottawatomies were encamped on the Kishwaukee river some seven miles north of Black Hawk, and with them were the majority of his own party. The Hawk says that not more than forty of his braves were with him upon the council ground. Towards sunset, in the midst of his preparations, he was informed that a party of white horsemen were going into camp three miles down the Rock. It was Stillman's corps, but the Sac thought it was a party headed by Atkinson—being then unaware of the great force which had been placed in the field against him—and sent out three of his young men to parley with the new arrivals and convey his offer to meet the White Beaver (Atkinson) in council at the latter's camp.

The rangers, who had regarded the expedition as a big frolic, were engaged in preparing their camp, in a sort of "free-for-all" picnic fashion, when the truce-bearers appeared upon a knoll on the prairie, nearly a mile away. A mob of the troopers rushed out upon the astonished envoys in helter-skelter form, some with saddles on their horses and some without, and ran the visitors into camp amid a hubbub of yells and imprecations. Black Hawk had sent five other braves to follow the flagmen

at a safe distance and watch developments. This second party was sighted by about twenty of the horsemen, who had been scouring the plain for more Indians and are said to have been, as were many of Stillman's men at the time, much excited by the too free use of intoxicants. Hot chase was given to the spies, and two of them were killed. The other three galloped back to the council grove and reported to their chief that not only two of their own number, but the three flag-bearers as well, had been cruelly slain. This flagrant disregard of the rules of war caused the blood of the old Sac to boil with righteous indignation. Tearing to shreds the flag of truce which he himself was preparing to carry to the white camp when the spies broke in upon him, he fiercely harangued his thirty-five braves and bade them avenge the blood of their brethren at any risk.

The neutral Pottawatomie visitors at once withdrew from the grove and hastily sped to their villages, while Black Hawk and his party, securely mounted, sallied forth to meet the enemy. The entire white force, two hundred and seventy-five strong, was soon seen rushing towards them pell-mell, in a confused mass. The Sacs withdrew behind a fringe of bushes, and their leader hurriedly bade them stand firm. The whites paused on catching a glimpse of the grim array awaiting them, but before they had a chance to turn the Hawk sounded the war-whoop and the savages dashed forward and fired. The Sac chief tells us that he thought the charge suicidal when he ordered it, but, en-

raged at the treachery of the troopers, he and all with him were willing to die in order to secure reprisal. On the first fire of the Indians, the whites, without returning the volley, fled in great consternation, pursued by a few of the more daring of the victors until nightfall ended the chase. But nightfall did not end the rout. The volunteers, haunted by the genius of fear, dashed through their own impregnable camp, leaving everything behind them, plunging madly through swamps and creeks till they reached Dixon's, twenty-five miles away, where they straggled in for the next twenty hours. Many of them did not stop there, but kept on at a keen gallop till they reached their own firesides, fifty or more miles further, carrying the report that Black Hawk and two thousand blood-thirsty warriors were sweeping all northern Illinois with the besom of destruction. The white casualties in this ill-starred foray amounted to eleven killed, while the Indians lost the two spies and but one of the flag-bearers, who had been treacherously shot in Stillman's camp—his companions owing their lives to the fleetness of their ponies.

The flight of Stillman's corps was wholly inexcusable. It should, in any event, have stopped at the camp, which was easily defensible. Stillman, no doubt, exerted himself to his utmost to rally his men, but they lacked discipline and that experience which gives soldiers confidence in their officers and each other. Their worst fault, however, was their dishonorable treatment of bearers of a flag of truce, a symbol

which few savage tribes disregard. But for this act of treachery the Black Hawk war would have been a bloodless demonstration. Unfortunately for our own good name, this violation of the rules of war was more than once repeated by the Americans during the ensuing contest.

From his easy and unexpected victory, Black Hawk conceived a very poor opinion of the valor of the militiamen, and at the same time a somewhat exaggerated estimate of the prowess of his own braves. Almost wholly destitute of provisions and ammunition, he felt highly elated at the capture of Stillman's rich stores. Recognizing that war had been forced upon him and was henceforth inevitable, he dispatched scouts to watch the white army while he hurriedly removed his women and children, by the way of the Kishwaukee, to the swampy fastnesses of Lake Koshkonong, near the headwaters of the Rock river, in Michigan Territory. He was guided thither by friendly Winnebagoes who deemed the position impregnable. From here, recruited by parties of Winnebagoes and Pottawatomies, Black Hawk descended into northern Illinois prepared for active border warfare.

The story of Stillman's defeat inaugurated a reign of terror between the Illinois and Wisconsin rivers, and great consternation throughout the entire west. The name of Black Hawk, whose forces and the nature of whose expedition were greatly exaggerated, became coupled the country over with stories of savage cunning and cruelty, his name serving as a household bugaboo.

Shaubena and his friends again rode post-haste through the settlements sounding the alarm. Many of the settlers had been lulled into a sense of security by the long calm following the invasion at Yellow Banks, and had returned to their fields. But there was now a hurrying back into the forts. They flew like chickens to cover, on the warning of the Hawk's foray. The rustle in the underbrush, of a prowling beast; the howl of a wolf on the prairie; the fall of a bough; the report of a hunter's gun, were sufficient in this time of panic to blanch the cheeks of many a brave man and cause families to fly in the agony of fear for scores of miles, leaving all their valuables behind them.

May 15, the day of the defeat, Whiteside, with one thousand four hundred men, made an expedition to the field of battle and buried the dead. On the nineteenth, Atkinson and the entire army moved up the Rock, leaving Stillman's corps at Dixon to care for the wounded and guard the supplies. But the army was no sooner out of sight than Stillman's cowards added infamy to their record, by deserting their post and going home. Atkinson hastily returned to Dixon with the regulars, leaving Whiteside to follow Black Hawk's trail up the Kishwaukee.

But Whiteside's men now began to weary of soldiering. They declared that the Indians had gone into the unexplored and impenetrable swamps of the north and could never be captured; and even were that fact possible, Illinois volunteers, they asserted, were not compelled to serve out of the state, in Michigan Territory. So, after two or three days' fruitless skirmishing, and before reaching the state line, they deserted their general, leaving him without a command. Uttering earnest protests, he followed them to Ottawa, where they were, at their own request, mustered out of the service on the twenty-seventh and twenty-eighth of May. On their way from the Kishwaukee to Ottawa, the militiamen stopped at the Davis farm on Indian creek, where a terrible massacre of whites had occurred a few days before and the mutilated corpses of fifteen men, women and children were lying on the green sward, unsepulchred. This revolting spectacle, instead of nerving the troops to renewed action in defense of their homes, appears to have still further disheartened them.

And thus did the first campaign of the war end, as it had begun, with an exhibition of rank cowardice on the part of the Illinois militia.

REUBEN G. THWAITES.

HISTORY OF OHIO.

III.

FRANCE TAKES POSSESSION OF THE UPPER LAKES AND THE MISSISSIPPI VALLEY.

WHEN, on the first day of October, 1669, the two Sulpitian priests, Casson and Gallinée, with their retinue, left the Indian village on the portage to the Grand river, which they were to descend to Lake Erie, they began a somewhat perilous voyage—for the channel of that stream was difficult and tortuous and was then swollen with autumnal rains. In fourteen days they reached the shore of the lake, when they encamped. The waters before them were in an angry mood. Autumnal winds were blowing, and the white-caps covered the lake as far as the eye could reach. The two priests wisely concluded not to venture with their frail canoes upon the foaming waters. They built at the end of three days, a cabin for their shelter at or near the river. Here they employed their time hunting and in drying the flesh of two of the larger animals which they had secured, waiting fifteen days for the abatement of the winds upon the lake; still there seemed no diminution of their violence; so they decided to encamp in the neighboring woods for the winter.

A spot was selected about a mile inland, at the mouth of a small branch of the river, where, on commodious

ground, they erected a substantial cabin—one that would afford them shelter from the weather and protection against an enemy. In one end of the building they raised an altar—the first one, so far as is known, dedicated to Christian worship on the banks of Lake Erie; and this was the first house ever built by the hands of civilized man on any of its tributaries. To their store they added seventy bushels of nuts of various kinds, besides a liberal supply of wild grapes and plums. The vine they described as growing spontaneous along the sandy border of the lake, producing grapes as large and palatable as the finest in the north of France. The expressed juice of the fruit served them all winter for the celebration of mass. Fortunately, the winter proved mild—much more so than they had experienced during their residence in Montreal. On the twenty-third of March, 1670, they erected a cross as a memorial of their winter home, to which they affixed the arms of Louis XIV., and took formal possession of the country in the name of that king. Thus it was that, at least constructively, Lake Erie and the peninsula to the northward passed under the domination

of France.* As yet, however, no white man had seen the southern shore of the lake; all that region was indeed in the embryo of the future.

On the twenty-sixth of March, three days after taking possession of the country, Dollier and Gallinée resumed their journey, traveling to the westward. Arriving at the eastern side of Long Point, they drew up their canoes on the beach and encamped near the shore. Overcome with fatigue, they were soon buried in sleep. Not anticipating any disaster, they carelessly left some of their effects near the water. A violent northeast gale came on during the night, disturbing the lake to such an extent that the water rose six feet and bore away the contents of one of their canoes. Fortunately they were aroused in season to rescue the remainder.

* Acte de prise de possession des Terres du Lac Érié (Octobre 1669). Nous icy sousignez, certifions avoir veu afficher sur les terres du lac nommé d'Érié les armes du Roy de France au pied d'une croix, avec cette inscription: "L'an de salut 1669, Clément IX. estant assis dans la chaire de Saint Pierre, Louis XIV. régnaient en France, Monsieur de Courcelles estant gouverneur de la Nouvelle France et Monsieur Talon estant intendant pour le Roy, sont arrivez en ce lieu deux missionnaires du Séminaire de Montréal, accompagnez de sept autres François, qui les premiers de tous les peuples Européens ont hyverné en ce lac, dont ils ont pris possession au nom de leur Roy, comme d'une terre non occupée, par opposition de ses armes, yu'ils y ont attachées au pied de cette croix. En foy de quoy nous avons signé le présent certificat.

"Signe: François Dollier, preste du diocèse de Nantes, en Bretagne; De Gallinée, diacre du diocèse de Rennes, en Bretagne."—Margry, Vol. I., p. 166.

Their powder and lead were lost, and, more than all, their altar service, without which the eucharist could not be celebrated. They resolved, because of these misfortunes, to return to Montreal and leave the Pottawatomies uninstructed. But their voyage homeward they determined should be not as they came, but the circuitous one of Sault de Ste. Marie, in hopes there of joining the Ottawas and other tribes of that region in their yearly descent of the Ottawa river to Montreal. They made their way up the Detroit river, along the eastern shores of Lake Huron to the Georgian bay, passing the Manatoulins and arriving at the Sault de Ste. Marie on the twenty-fifth of May, where they found two Jesuit Fathers, Claude Dablon and James Marquette, in a square fort of cedar pickets, built by their own men within the year past, and enclosing a house and a chapel. Near by they had cleared a large tract of land in which had been sown and planted wheat, Indian corn, peas and other vegetables—the first farming done in the great west. Furnished with a French guide, the two Sulpitians and their retinue soon left the mission for Montreal, which they reached on the eighteenth of June. They had made no discoveries and no converts.*

Before proceeding to relate how a French agent in a most formal manner took possession of Lakes Huron and Superior, "and all the countries, rivers, lakes and streams contiguous and ad-

* Récit de ce qui s'est passé de plus remarquable dans le voyage de MM. Dollier et Gallinée (1669-1670), in Margry, Vol I., pp. 112-166.

jacent thereto," and in a much more pompous and imposing way than did the two Sulpitian priests declare the Lake Erie country a part of the possessions of Louis XIV., it is necessary to note the progress of Jesuit missions upon the upper lakes to the next year after Dollier and Gallinée shared, for a few days, the hospitalities of one of them at the Sault de Ste Marie, as before related.

In August, 1665, Father Claude Allouez embarked on a mission to the country which had been visited by Father René Mesnard, already mentioned. Early in September he reached the Sault de Ste. Marie, and on the first day of October arrived in the Bay of Chegoimegon (now Ashland bay, Wisconsin), at a village of Chippewas. Here he erected a chapel of bark, establishing the first mission on the southern shore of Lake Superior, to which he gave the name of Holy Spirit. While Allouez had charge of this field he saw scattered bands of Hurons and Ottawas; also Pottawatomes from Lake Michigan, and Sacs and Foxes who lived upon the waters of the Fox river of Green Bay. He was likewise visited by some Illinois from beyond the Mississippi; and, at the extremity of Lake Superior, he met representatives of the Sioux. From both the last mentioned bands he learned of the great river of the west, which he calls "Missipi."

Father James Marquette reached Chegoimegon in September, 1669, and took charge of the mission of the Holy Spirit, while Allouez returned to the Sault de Ste. Marie, intending to estab-

lish a mission on the shores of Green Bay. On the third of November, he left the Sault and on the twenty-first reached a Pottawatomie cabin. On the second of December, he founded upon the south side of Green Bay, the mission of St. Francis Xavier, the second one established by him within what are now the limits of Wisconsin. Here Allouez passed the winter. In April, 1670, he founded another mission; this was upon Wolf river, a tributary of the Fox river of Green Bay. Here, the missionary labored among the Foxes, who had located upon that stream. This mission he called St. Mark. It was the third one in the present Wisconsin. In 1671, Father Louis André was sent to the missions of St. Francis Xavier and St. Mark, as a co-laborer with Allouez. At what is now the village of Depere, Brown county, in that state, was then located the central station of the mission of St. Francis Xavier—the mission including all the tribes inhabiting the vicinity of Green Bay. Allouez then left, but André remained for some time in that field of labor.

In 1668, Father Claude Dablon and James Marquette founded a mission at the Sault de Ste. Marie. This was before the last named missionary went to Chegoimegon, but he had returned, as we have seen, in 1670, when the place was visited by Dollier and Gallinée. The location of the mission was at the foot of the rapids on the south side of the strait; so here was commenced the first establishment of the kind in the present state of Michigan. The next mission founded was that of St. Ignatius, on the

north side of the straits of Michilimackinac, in 1671, by Marquette, among Indians of the Tobacco nation and their kindred, the Hurons, who had returned from farther west. These were soon joined by a number of Ottawas. "The place was bleak, exposed and barren; but the missionary was full of confidence and hope, although he had more to suffer than to do." "In order," says Marquette, "to aid the execution of the design, signified to us by many of the savages, of taking up their abode at this point, where some have already passed the winter hunting in the neighborhood, we ourselves have also wintered here, in order to make arrangements for establishing the mission of St. Ignatius." Near the chapel, the Indians erected a fort enclosing all their cabins.

The failure of Louis Joliet to discover copper mines in the region of the Upper Lakes by no means discouraged the French government in their endeavors to seek out the localities said to be rich in that mineral. As early as the ninth of April, 1670, the king's minister enjoined it upon the Canadian governor that he should assist with all the authority the king had committed to him "the exploration Sieur Talon is to make of the iron and copper mines." "Since my arrival," wrote the latter, "I have dispatched persons of resolution who promise to penetrate further than has ever been done, the one to the west and the northwest of Canada and the others to the southwest and south. These adventurers are to keep journals in all instances, and reply on their return to the written instructions I have

given them; in all cases they are to take possession, display the king's arms and draw up *proces verbeaux* to serve as titles. His majesty will probably have no news of them before two years from this, and when I shall return to France."

But Talon, the intendant of Canada, had more in his mind than the discovery of copper. Stimulated by his government, he set himself to the development of New France, so far as its material industries were concerned, and to the extension of its domain. He meant to occupy the interior of the continent, control the rivers, which were its only highways, and hold it for France against every other nation. On the east, England was to be hemmed within a narrow strip of seaboard; while, on the south, Talon aimed at securing a port on the Gulf of Mexico to keep the Spaniards in check, and dispute with them the possession of the vast region which they claimed as their own. But the interior of the continent was still an unknown world. It behooved him to explore it, and to that end he availed himself of Jesuits, officers, fur-traders and enterprising schemers." Mutual interests had for more than a half century conspired to unite the tribes of the west and the French upon the St. Lawrence in confirmed friendship. The former desired commerce and protection. France, while she coveted the rich furs which these tribes brought them, coveted also an extension of political power to the utmost limits of the western wilderness.

So soon as Talon had disembarked at Quebec, he began preparations for west-

ern explorations. Daumont de Saint-Lusson was made choice of as the leader. At the Sault de Ste. Marie he was to hold a congress of Indian nations. He was ordered not only to search for copper mines on Lake Superior, but, at the same time, to take formal possession of the whole interior for the king. This was in 1670. Saint-Lusson set out with a small party of men, and among them were some brave hearts. Who better qualified as guide could he have employed than Louis Joliet, and who as interpreter than Nicholas Perrot? Saint-Lusson wintered at the Manitoulin islands, while Perrot, who spoke Algonquin fluently, having first sent messages to the tribes of the north, inviting them to the Sault de Ste. Marie in the coming spring, proceeded to Green Bay, in the present Wisconsin, to urge the same invitation upon the tribes of that quarter. Here he was well known, and was warmly greeted. Up the Fox river he was received by the Miamis with especial honor. Their chief, named Tetinchoua,* was quite a potentate—attended day and night by a guard of warriors. Perrot was successful in his mission, reaching on his return, the Sault on the fifth of May, 1671, with chiefs of the Miamis, Sacs, Winnebagoes and Menomonees, where Saint-Lusson with his men, fifteen in number, had already arrived. When fourteen tribes or their representatives had gathered at the

Sault, he prepared to execute the commission with which he was charged.

At the foot of the rapids was the village of the Chippewas. There was a hill near it, and the Jesuits' fort was hard by, but Father James Marquette was not there, although Fathers Claude Dablon, Gabriel Druilletes, Claude Allouez and Louis André were present. A large cross of cedar which had been made ready was now raised, after Dablon had pronounced a blessing upon it; and then the Frenchmen chanted the ancient hymn—

*Vexilla Regis prodeunt;
Fulget crucis mysterium:*

The banners of heaven's King advance;
The mystery of the cross shines forth.

A post of the same wood as the cross was planted beside it, having attached to it a metal plate, engraven with the royal arms. Other ceremonies followed, when Saint-Lusson concluded them by proclaiming in a loud voice, holding his sword in one hand and raising with the other a sod of earth, that, "in the name of the most high, mighty, and redoubted monarch, Louis, fourteenth of that name, most Christian king of France and Navarre," he did then and there take possession not only of Sainte-Marie du Sault, but also of Lakes Huron and Superior, the island of Manitoulin, and all countries, rivers, lakes and streams contiguous and adjacent thereunto, both those which have been discovered and those which may be discovered hereafter, in all their length and breadth, bounded on the one side by the seas of the north and of the west, and on the other by the

* Tetinchoua, le principal chef des Miamis.
—Perrot's 'Memoire sur les Moeurs, Coustumes et Religion des Sauvages de l'Amerique Septentrionale,' p. 127.

South Sea.* And thus France advanced her claims to dominion on the upper lakes (as has before been intimated) in a much more pompous manner than did Dollier and Gallinée to the country north of Lake Erie. This ceremony of Saint-Lusson took place on the fourteenth of June, 1671.

After this formal taking possession of the country, Saint-Lusson proceeded to Lake Superior; but he found no copper, and he soon afterward returned to Quebec.

"The Sieur de Lusson is returned," wrote Talon to his king, on the second of November, 1671, "after having advanced as far as five hundred leagues from Quebec, and planted the cross and set up the king's arms in presence of seventeen Indian nations, assembled on this occasion from all parts, all of whom voluntarily submitted themselves to the dominion of his majesty, whom alone they regard as their sovereign protector."

It will be remembered that Saint-Lusson and his men were not the only adventurers sent by Talon, upon his arrival in Canada, in search of new countries—to discover new lands. "Others," says he, "I have dispatched

to the southwest and south." But who was the leader of this party? The question is answered by the king's minister to Talon, in February 1671: "The resolution you have taken to send Sieur de la Salle towards the south, . . . to discover the South Sea passage, is very good."

There is no account extant of La Salle's journeying on his second exploration until he had reached Lake Erie. He embarked on that body of water, ascended the Detroit river, passed through Lake St. Clair, entered and traversed Lake Huron to the Straits of Michilimackinac, moved through these to the open water, leaving Green Bay on the west, when he discovered what is really Lake Michigan, but which he describes as "a bay infinitely larger" than Green Bay, "at the bottom of which, towards the west, he found a very beautiful harbor"—the mouth of what is now known as the Chicago river. La Salle crossed over to the Desplaines, floated down this river and the Illinois to the Mississippi, which he describes as flowing "from the northwest to the southeast." He followed the Mississippi downward to about the thirty-sixth degree of north latitude, where he found it advisable to stop, contenting himself with the hope of one day passing by way of this river to the Gulf of Mexico. Having but a few followers, he dared not risk a further expedition, in the course of which he was likely to meet with obstacles too great for his strength. "Sieur de la Salle," wrote M. Talon to the French king, on the second of November, 1671, "has not

* For a complete copy of the *Proces-verbal* of Simon Francois Daumont, escuyer, Sieur de Saint-Lusson, see Margry, Vol. I. pp. 96-99. It is to be found nearly entire in Tailhan's Notes, in 'Perrot,' pp. 292-294. The speech of Saint-Lusson was followed by a solemn harangue by Father Allouez to the Indians. See 'Jesuit Relation,' 1671 (Quebec Ed.) p. 27. This has been closely translated by Parkman in his 'La Salle,' pp. 44-46. In the translation of Saint-Lusson's *Proces-verbal*, in the New York Colonial Manuscripts (Paris Documents), Vol. IX, pp. 803, 804, there are some errors.

yet returned from his journey to the southward of this country, but *Sieur de Lusson* is returned."*

As *La Salle* had been sent "to discover the South Sea passage," the result of his expedition must have been a disappointment to some extent; for the river, which was the last of his discoveries, not only flowed apparently from the northwest to the southeast, but into the Gulf of Mexico; so the South Sea—the great highway to China and Japan—could not be reached by that stream. Evidently, to his mind and to *Talon's*, this was not the "Mississippi" which had been heard of by the Jesuit Fathers and French explorers upon the Upper Lakes, for all agreed that that river flowed toward the South Sea. On the fourth of June, 1672, the French minister wrote *Talon*: "As, after the increase of the colony, there is nothing more important for it than the discovery of a passage to the South Sea, his majesty wishes you to give it your attention." *Talon* thereupon advised the Count de Frontenac, upon his arrival from France, to send a trustworthy agent to discover, by a somewhat different route, "the South Sea and the great river they call the Mississippi, which is supposed to discharge itself into the Sea of California." This explorer was to go first to the country of the Mascoutins, on the Fox river of Green Bay, and proceed thence on his journey of exploration. The person appointed for this service was none

other than *Louis Joliet*, the same adventurer who had sought for copper mines in the Lake Superior country some years before, and who took part in the expedition of *Saint-Lusson* to the same region in 1670 and 1671, as before related. It is probable he had previously visited the Mascoutins; it is certain he had been among the Potawatomes at the entrance of Green Bay. "He is a man of great experience," wrote Count de Frontenac to Minister Colbert, "in these sorts of discoveries, and has already been almost at that great river, the mouth of which he promises to see."

Concerning the tour of *Joliet* from the St. Lawrence until the Straits of Michilimackinac were reached, nothing whatever is known. At Point St. Ignace he found Father Marquette in his palisaded mission-house and chapel, where, for two years, he had labored to instruct the bands of the Tobacco and Huron nations and a smaller band of Ottawas, there living. It is asserted by *Claude Dablon* that both *Talon* and Frontenac wished to see Father Marquette accompany *Joliet* upon his voyage; and Marquette himself says:

The day of the Immaculate Conception of the Blessed Virgin, whom I had always invoked since I have been in this Ottawa country, to obtain of God the grace to be able to visit the nations on the river Mississippi, was identically that on which M. *Joliet* arrived with orders of the Count de Frontenac, our governor, and M. *Talon*, our intendant, to make this discovery with me.

But this official connection of the Father with the expedition rests upon his word alone. There is no governmental evidence of the fact extant.

* See, as to evidence of *La Salle's* having reached the Mississippi, as above stated, a note at the end of this article.

But Father Marquette had previously received from Indian sources very complete descriptions of the Mississippi, so far as related to that part above the confluence of the Missouri, as already shown by his account concerning the Shawanese. "It is hardly probable," he further says in that relation, "that this great river discharges itself in Virginia; we are more inclined to believe that it has its mouth in California. If the savages who have promised to make me a canoe do not fail in their word, we will navigate this river as far as possible, in company with a Frenchman and this young man that they [the Illinois] have given me, who understands several of these languages, and possesses great facility for acquiring others. We shall visit the nations who dwell along its shores, in order to open the way to many of our fathers, who for a long time have awaited this happiness. This discovery will give us a perfect knowledge of the sea either to the south or to the west." However, the father was disappointed. He afterward left the Bay of Chegoimegon, where he was sojourning when writing the foregoing, for the Sault de Ste. Marie, going subsequently to Point St. Ignace, where Joliet found him, as before narrated.

Joliet's outfit was very simple: two birch bark canoes and a supply of smoked meat and Indian corn. Besides Marquette, he had five men—Frenchmen—with him. They left the Point St. Ignace on the seventeenth of May, 1673. Passing through the straits, they paddled their frail crafts along the northern shore of Lake Michigan, mov-

ing up Green Bay and the Fox river to the portage. They then crossed to the Wisconsin, down which they floated until, on the seventeenth of June, they entered—"discovered"—the Mississippi. After dropping down the river beyond the farthest point reached by La Salle, they returned by way of the Illinois and Lake Michigan to Green Bay, where Marquette remained to recruit his strength, while Joliet returned to Quebec to make known the extent of his explorations and discoveries.

"Sieur Joliet," wrote Count de Frontenac, on the fourteenth of November, 1674, "whom Monsieur Talon advised me, on my arrival from France, to dispatch for the discovery of the South Sea, has returned three months ago, and discovered some very fine countries, and a navigation so easy through the beautiful rivers he has found, that a person can go from Lake Ontario and Fort Frontenac in a bark to the Gulf of Mexico, there being only one carrying place half a league in length, where Lake Ontario communicates with Lake Erie. These are projects which it will be possible to effect when peace shall be firmly established, and whenever it will please the king to prosecute these discoveries. Joliet has been within ten days' journey of the Gulf of Mexico, and believes that water communications could be found leading to the Vermilion and California seas by means of the river that flows from the west [the Missouri] into the grand river [the Mississippi] that he discovered, which runs from north to south, and is as large as the St. Lawrence opposite Quebec."

"I send you," continues Frontenac, "by my secretary, the map he has made of it, and the observations he has been able to recollect, as he has lost all his minutes and journals in the shipwreck he suffered within sight of Montreal, were, after having completed a voyage of twelve hundred leagues, he was near being drowned, and lost all his papers and a little Indian, whom he brought from those countries. These accidents have caused me great regret. Joliet left with the Fathers at the Sault de St. Marie, in lake Superior, copies of his journals; these we cannot get before next year. You will glean from them additional particulars of this discovery in which he has well acquitted himself."

Such was the official report of Joliet's journey, sent to the French minister by Count de Frontenac. It is not known that the copies of the explorer's journals were ever delivered to the government; it is to be presumed they were not; but an account of the voyage having been written out by Father Marquette and published in 1781, an undue importance became attached to that missionary's name in connection with the exploration and at the expense of the fame of Joliet. However, giving them both all the credit they are justly entitled to for their perseverance and patience in the matter, honor in a greater degree belongs to La Salle, even admitting that he did not journey further than the Illinois.

Although at the end of the third quarter of the seventeenth century the Ohio river on the east and south, the great lakes on the north, and the Illinois

and Mississippi rivers on the west of the Ohio country had been explored, possession of the territory lying south of Lake Erie had not been taken by France, either actually or constructively. Events, culminating in the whole valley of the Mississippi and contiguous regions, passing nominally and then really to the French, now followed. The leader in these was the indomitable Sieur de La Salle.

While upon the Illinois, Marquette promised to return to Kaskaskia upon that river, to instruct the Indians there collected. He did not go forward, therefore, from Green Bay to his mission at Point St. Ignace; but having received the necessary orders to establish a mission at Kaskaskia; he started for this new field of labor on the twenty-fifth of October, 1674. Wintering at Chicago, he did not reach Kaskaskia until April, 1675, when he founded a mission to which he gave the name of the Immaculate Conception of the Blessed Virgin—the first mission in what is now the state of Illinois. But Marquette was in such poor health that he soon started on his return, hoping to reach his former mission of St. Ignatius, taking his route by way of the Kankakee and St. Joseph rivers and along the eastern shore of Lake Michigan; but he died on the eighteenth of May, 1675, and was buried in the Michigan peninsula, on the bank of a river which long bore his name, but which is now borne by a larger neighboring stream.

On the death of Marquette, Father Claude Allouez was appointed to the Illinois mission at Kaskaskia. He left

the field of his labor in what is now northeastern Wisconsin "about the close of October, 1676, in a canoe with two men," expecting to reach the Illinois Indian town so as to winter there. But cold weather setting in early, he did not get fairly embarked on Lake Michigan until the twenty-third of the ensuing March. Allouez and his companions finally entered the Chicago river where they met eighty Indians of the country by whom they were well received. These savages asked that Allouez visit them in their village, which he readily complied with, as it was on his route. He did not reach Kaskaskia until the twenty-seventh of April. He found the village had much increased during the previous year. It now contained three hundred and fifty-one cabins, occupied by representatives of eight different tribes. The Indians liked the place because they could "easily discover their enemies" from it. The missionary made but a brief stay at Kaskaskia, but he returned the next year "to labor more solidly for the conversion of these tribes." His second visit, however, was soon terminated.

The time had now come when it was necessary for some one "to undertake to plant colonies in these beautiful countries of the west," explored by La Salle and Joliet, and now brought particularly to the notice of the French king. La Salle was the master-spirit who was to move in this undertaking. But he must first petition "Louis, by the grace of God, king of France and Navarre," for a patent, which was granted—"to our dear and well-beloved Robert

Cavalier, Sieur de la Salle," permitting him "to labor at the discovery of the western parts of New France," for the king had nothing more at heart than the exploration of that country, through which, to all appearance, a way might be found to Mexico. There was no mention of colonization in the patent, but La Salle had his plans, and these were not only to found a commercial and industrial colony in the west, but to open a route to commerce with Mexico, by way of the Mississippi and the Gulf.

From what is now the city of Kingston, Canada, then Fort Frontenac, La Salle sent out his first detachment of fifteen men, in the summer of 1678, in canoes to go to Lake Michigan and thence to the Illinois river, to trade with the Indians and collect provisions. They were to make preparations on that stream against the day of his coming; for the Illinois country was the goal of his ambition.

Then followed La Salle. Above the thundering Niagara, he built the *Griffin*, a craft of not less than forty-five tons burthen, in which, on the seventh of August, 1679, he and his followers embarked, and in September, the vessel dropped her anchor near one of the islands at the entrance of Green Bay. Here he met several of his advance party with a "pretty fair amount" of furs in their keeping, obtained in a successful traffic with the savages upon the Illinois river. The packs were now put on board the *Griffin*, and the vessel started on her return, but was never heard of afterward; all on board per-

ished in the turbulent waters of Lake Michigan. But La Salle was not of the number. He continued his journey up the lake, passing but not entering the mouth of the Chicago river. But why not? The reason was that, at the mouth of the St. Joseph, on the other side of the lake, he was to join Henri de Tonty with twenty men from Michilimackinac, who were to make their way thither along the eastern shore of Lake Michigan. Where the stream just mentioned empties into Lake Michigan, La Salle erected a fort of timber on a rising ground, afterward known as Fort Miami. After reaching the Illinois and building Fort Crève-cœur in January, 1680, near the site of the present city of Peoria, La Salle was obliged to return to Fort Frontenac. But the day before his departure, he sent Michael Accault, Picard du Gay and Father Louis Hennepin, to the country of the Sioux, for the purpose of trade with those savages. They were to descend the Illinois and then ascend the Mississippi to the homes of these Indians.* The object of La Salle's

return was to learn the fate of the *Griffin* and to bring forward supplies.

On the first of March, 1680, "before the frost was yet out of the ground, when the forest was still leafless, and the oozy prairies still patched with snow," leaving Tonty in Fort Crève-cœur, La Salle started with one Indian hunter and four Frenchmen. They followed up the Illinois, crossed over to Lake Michigan, and were soon again in Fort Miami, at the mouth of the St. Joseph. Then they pushed onward through the unknown wilds of what is now southern Michigan, until they came to the Detroit river, which they crossed, La Salle having sent two of his men previously to Michilimackinac. Taking a direct line from the Detroit river, they struck Lake Erie not far from Point Pelée. Here he embarked in canoes and finally reached Niagara, where he found some of his men, left there by him on his journey out. He got back to Fort Frontenac on the sixth of May, sixty-five days after leaving Fort Crève-cœur, "traveling, by the course he took, about a thousand miles, through a country beset with every form of peril and obstruction."

On the tenth of August, having previously learned of the fate of the *Griffin*, also that a number of his men left at

* For a full account of their voyage, see 'A Description of Louisiana' by Father Louis Hennepin. Translated from the edition of 1683 by John Gilmary Shea.

Lest it might be thought that injustice is done Hennepin in assigning him a second place in the expedition, to Accault and Picard, I give the exact words of La Salle in his account of the exploration, written August 22, 1682 (Margry II, p. 245): "Je l'ay fait remonter par un canot conduit par deux de mes gens, l'un nommé Michael Accault et l'autre Picard, auxquels le R. P. Louis Hennepin se joignit pour ne perdre pas l'occasion de prescher l'Evangile aux peuples qui habitent dessus et

qui n'en avoient jamais ouï parler." ("I caused it [the Mississippi] to be ascended by a canoe conducted by two of my men, one named Michael Accault and the other Picard, whom the Rev. Father Louis Hennepin joined, not to lose the opportunity for preaching the gospel to the nations that dwell above, and who had never yet heard it spoken of.")

Fort Crévecoeur had deserted, first destroying the fort, La Salle again embarked for the Illinois, which river he reached by ascending first the River Humber, crossing thence to Lake Simcoe, and then descending the Severn to the Georgian Bay of Lake Huron. Following the eastern shore of the bay, he coasted the Manitoulin islands, arriving at length at Michilimackinac. He left Fort Frontenac with twenty-five men, but he now pushed forward with only twelve, making the mouth of the St. Joseph on the fourth of November, where the fort, which had previously been built, had been destroyed by those who deserted from the Illinois. From this point, La Salle hastened onward with six men and an Indian, reaching the Illinois only to find that the Iroquois had invaded the country; there was desolation everywhere, and no signs of his faithful Tonty. In vain he descended the river to its mouth, which he reached in the early part of December. He left the Mississippi on the seventh, on his way back to the fort at the mouth of the St. Joseph, which had, meanwhile, been repaired by a party left there. Tonty and the few with him, who had remained faithful, finally had made their way up the Illinois and the Desplaines, thence across the Chicago portage to Lake Michigan, coasting down that lake to a village of friendly Pottawatomies, where they found abundance "after thirty-four days of starvation."*

* For an interesting account of the irruption of the Iroquois into the country of the Illinois, and the part taken by Tonty and his few faithful followers

La Salle having returned to Fort Miami, at the mouth of the St. Joseph, from the horrors of the Iroquois invasion of the valley of the Illinois, determined to spend the residue of the winter there. He employed his time in making friends of the various Indian tribes in the vicinity, urging them all to unite against the terrible foe from the east. Towards the end of May, 1681, La Salle left the mouth of the St. Joseph to return to Canada to "appease his creditors and collect his scattered resources." At Michilimackinac he found Tonty. Fort Frontenac was again reached in safety, La Salle taking with him on his return his faithful lieutenant.

Again La Salle started for the west, this time having with him a large party. "I have," he wrote, "M. de Tonty, thirty Frenchmen, all good men, without reckoning such as I cannot trust, and more than a hundred Indians, some of them Shawanese, and others from New England, all of whom know how to use guns." It was October, 1681, before he reached Lake Huron, and the season was far advanced before he drew up his canoes on the beach at the mouth of the St. Joseph. "Twice defeated of the discovery of the mouth of the Mississippi, that vital condition of his triumph, without which all other success was meaningless and vain," this (the third) effort now looked more hopeful than ever. La Salle and his men, in December, made their way around the head of Lake Michigan,

in the stirring events which followed, see Parkman's 'La Salle,' pp. 201-224.

crossed the Chicago portage, where sleds were made, and filed in a long procession down the frozen course of the Desplaines and Illinois, until open water was reached below Lake Peoria.

"From that place," says La Salle, "the river being frozen only in some parts, we continued our route to the River Mississippi, sixty leagues or thereabouts." The great river was reached on the sixth of February, and there the party remained until the thirteenth, waiting for the savages, whose progress had been impeded by the ice. On that day, all having assembled, the voyage was renewed, there being twenty-two French, carrying arms, accompanied by the Reverend Father Zenobe Membré, one of the Recollect missionaries, and followed by eighteen New England savages, and several Algonquins, Chippewas, Hurons, and squaws. On the fourteenth a deserted town of the Tamaroas was reached, consisting of a hundred cabins. Three days after they saw the mouth of the Ohio, and on the the twenty-sixth* they landed near the third Chickasaw Bluff. After a novel and varied experience with a number of savage nations from this point onward, the three channels by which the Mississippi discharges itself into the Gulf of Mexico, were reached on the sixth of April, when "we landed," says La Salle, "on the bank of the most western channel, about three leagues from its mouth." On the

next day La Salle went to reconnoitre the shores of the gulf, while Tonty examined the "great middle channel." They found these two outlets "beautiful, large and deep." On the eighth the whole party ascended the river a little above its confluence with the sea, to find a dry place beyond the reach of inundations: Here a column and a cross were prepared, and to the former were affixed the arms of France, with this inscription: "Louis le Grand, Roy de France et de Navarre, règne le 9^e Avril, 1682." The whole party now under arms chanted the *Te Deum*, the *Exaudiat*, the *Domine salvum fac regem*; and then, after a salute of firearms and cries of *Vive le Roi*, the column was erected by La Salle, who, standing near it, said, with a loud voice:

In the name of the most high, mighty, invincible, and victorious prince, Louis the Great, by the grace of God, King of France and of Navarre, fourteenth of that name, this ninth day of April, one thousand six hundred and eighty-two, I, in virtue of the commission of his Majesty which I hold in my hand, and which may be seen by all whom it may concern, have taken, and do now take, in the name of his Majesty and of his successors to the crown, possession of this country of Louisiana, the seas, harbors, ports, bays, adjacent straits; and all the nations, people, provinces, cities, towns, villages, mines, minerals, fisheries, streams and rivers, comprised in the extent of the said Louisiana.

Then he continues by mentioning several rivers and giving the names of several Indian nations, but in so doing his language is obscure; however, it seems to have been La Salle's design to take possession in the name of the French king of the whole territory watered by the Mississippi from its

* So says the *Procès-verbal* of La Salle, written on the ninth of April following. "Après avoir navigué, jusqu'an 26^e Février, l'espace d'environ cent lieues sur le fleuve Colbert [Mississippi]." Other authorities give the twenty-fourth as the date.

mouth to its source, and by the streams flowing into it on both sides;* in short, the whole of the great Mississippi valley, including, of course, a large part of what is now the state of Ohio, which was quickly extended so that the northern boundary of Louisiana ran along the south shore of Lake Erie, following thence the heads of the streams flowing into Lake Michigan; thence turning northwest until lost in the then indefinite regions of what is now British America.†

On the tenth of May, 1682, M. Lefevre de la Barre was appointed in the place of Count de Frontenac, governor and lieutenant-general of Canada, Acadia, the island of Newfoundland, and other countries. In his instructions it was stated that his majesty desired that he permit the completion of the discovery commenced by Sieur La Salle, as far as the mouth of the Mississippi river, in case he was of the opinion, after the examination he would make of it with the intendant, that such discovery could be of any utility. But, as we have seen, the desire of the French king that La Salle's discovery be completed had previously—by more than a month—been accomplished.

* "Procès-verbal de prise de possession de la Louisiane, à l'embouchure de la mer ou golfe du Mexique, 9 Avril, 1682," in Margry, II, pp. 186-193.

† "Louisiana was the name bestowed by La Salle on the new domain of the French crown. The rule of the Bourbons in the west is a memory of the past, but the name of the Great King still survives in a narrow corner of their lost empire. The Louisiana of to-day is but a single state of the American republic. The Louisiana of La Salle stretched from the Alleghanies to the Rocky Mountains; from the Rio Grande and the Gulf to the farthest springs of the Missouri."—Parkman's 'La Salle,' p. 289.

It will be remembered that, on the last day of February, 1780, La Salle dispatched Michael Accault, Picard du Gay and Father Louis Hennepin to the country of the Sioux from Fort Crève-cœur, on the Illinois. The party ascended the Mississippi as far as the Falls of St. Anthony and returned (except Accault) after much suffering and many almost miraculous escapes, by way of the Wisconsin river to Lake Michigan, wintering at Michilimackinac, and finally, in 1681, reaching by way of Lake Huron the River St. Lawrence in safety. The three, while ascending the Mississippi met, on their way down that river, Daniel Graysolon Duluth, from Lake Superior. He left Quebec to explore, under the authority of the governor of New France, the region of the upper Mississippi and establish relations of friendship with the Sioux and their kindred, the Assiniboines. In the summer of 1679, he had reached the Sioux country, and early in the autumn of that year held an Indian council at the head of Lake Superior. In June, 1680, he set out from that point to continue his explorations, when he met, as just mentioned, the party sent forth by La Salle, with which he returned to Quebec.

In 1683 Le Sueur journeyed from Lake Michigan up the Mississippi, ascending that river to the Sioux country in the region about the Falls of St. Anthony. The next year Nicholas Perrot, who has before been mentioned and who was now commissioned to have chief command not only at Green Bay but on the Mississippi, repaired to the northwest. In 1785 he built a stockade below the

mouth of the Wisconsin, on the west side of the Mississippi, about forty-eight miles above the lead mines which he discovered. This post was called Fort St. Nicholas.* He soon after erected another stockade at the foot of Lake Pepin, on the east side of the river, which post was afterward known as Fort Perrot. Here he spent the winter of 1685-6. The next year he had returned to Green Bay. The act of Saint-Lusson at the Sault de Ste. Marie, in taking possession of the country beyond Lake Huron, not being regarded as sufficiently comprehensive and definite by the government, Perrot, at Green Bay, on the eighth of May, 1689, "commanding for the king at the post of the Sioux, commissioned by the Marquis de Denonville, governor and lieutenant-general of all New France, to manage the interests of commerce among all the Indian tribes and peoples of Green Bay, the Sioux, Mascoutins, and other western nations of the Upper Mississippi, and to take possession in the king's name of all the places where he has heretofore been and whither he will go," took possession in his majesty's name, of Green Bay, of Winnebago lake and Fox river, of the Wisconsin and Mississippi rivers, of the country of the Sioux, of the rivers St. Croix and St. Peter, "and of other places more remote." Now, therefore, throughout the length and breadth of the great valley of the

St. Lawrence (including the basins of the Lakes to beyond Superior) and of the still greater valley of the Mississippi, France had extended her possessions and declared her domination.

La Salle returned up the Mississippi. About the first of August, 1682, he was at Fort Miami and, in September, at Michilimackinac. He resolved to found on the banks of the Illinois river a colony of French and Indians. This would be a bulwark against Iroquois aggression and a grand depot for furs obtained from western tribes. His faithful Tonty (who was with him) was directed to collect all the men possible and at once begin the work of colonization. Just then came a report to his ears that the Iroquois were about to renew their attacks on the western tribes, so both returned to the Illinois. In the month of December they began to entrench themselves on a cliff afterwards and still known as "Starved Rock." Around this position gathered the Indians. The fort was named St. Louis. In it remained La Salle until the autumn of 1683, when he returned to the St. Lawrence, intending to sail for France, leaving Tonty in command in the Illinois.

NOTE.—Presumably about all that can be said against the idea of La Salle having reached the Mississippi before Joliet, is to be found in Parkman's 'La Salle,' pp. 24-27. M. Pierre Margry, however, brings forward better evidence in the affirmative. He says: "I very firmly believe that La Salle discovered the Mississippi by way of the lakes—by Chicago and by the Illinois river, as far south as the thirty-sixth parallel, and all this before 1673. This opinion of mine I base, first, on the narrative made by La Salle to the Abbe Renaudot. This narrative describes an expedition in which La Salle was en-

* La Potherie, II, pp. 260, 270. That the post was on the west side of the Mississippi is a tradition, made certain by the topography of the country, which answers the description given of the locality by Perrot.

gaged southwest of Lake Ontario, for a distance of four hundred leagues, and down a river that must have been the Ohio. This was in 1669.

"The narrative proceeds: 'Sometime thereafter he made a second expedition on the same river, which he quitted below Lake Erie—made a portage of six or seven leagues to embark on that lake traversed it towards the north, ascended the river out of which it flows, passed the lake of Dirty Water [St. Clair], entered the Freshwater Sea [Lake Huron], doubled the point of land that cuts this sea in two [Lakes Huron and Michigan], and descending from north to south, leaving on the west the Bay of the Puans [Green Bay], discovered a bay infinitely large, at the bottom of which, towards the west, he found a very beautiful harbor, and at the bottom of this he found a river, which runs from the east to the west, which he followed, and having arrived at about the two hundred and eightieth (sic)* degree of longitude, and the thirty-ninth of latitude, he came to another river, which, uniting with the first, flowed from the northwest to the southeast. This he followed as far as the thirty-sixth degree of latitude, where he found it advisable to stop, contenting himself with the almost certain hope of some day passing by way of this river even to the Gulf of Mexico. Having but a handful of followers, he dared not risk a further expedition in the course of which he was likely to meet with obstacles too great for his strength.' †

"I base my opinion, secondly, on a letter of La Salle's niece—the Mississippi and the river Colbert being both one. This letter, dated 1756, says the writer, contained maps, which, in 1675, were possessed by La Salle, and which proved that he had already made two voyages of discovery. Among the places set down on these maps, the river Colbert, the place where La Salle had landed near the Mississippi, and the spot where he planted a cross, and took pos-

session of the country in the name of the king, are mentioned.‡

"I base my opinion, thirdly, on a letter of Count Frontenac. In this letter, which was written in 1677 to the French premier, Colbert, Frontenac says that 'the Jesuits, having learned that M. De La Salle thought of asking [from the French crown] a grant of the Illinois lake [Lake Michigan], had resolved to seek this grant themselves for Messieurs Joliet and Lebert, men wholly in their interest, and the first of whom they have so highly extolled beforehand, although he did not voyage until after the Sieur de La Salle, who himself will testify to you that the relation of the Sieur Joliet is in many things false. §

"In fine, I found my opinion on the total antagonism between the Jesuits and the merchants, as well as those who represented interest or only a legitimate ambition. In opposition to the Jesuits, Cavalier de La Salle always associated with the Sulpitians or Recollets, whom Colbert had raised up against the Jesuits, in order to lessen the influence of those who would fain undermine him.

"If La Salle had wished to practice deception, and to claim a merit that was not his, nothing would have prevented his saying that he had gone further down the river Mississippi, or Colbert, than he does say he went; whereas, he left to Joliet and Marquette the honor of having penetrated to that river by way of the Wisconsin, and of having descended the Mississippi three degrees further than he, and that before his enterprise of 1678.

"These facts I have considered it my duty to establish in opposition to the allegations of those who affirm that La Salle did not conceive any projects of discovery till after the voyage of Joliet—which is just the contrary of the truth."||

C. W. BUTTERFIELD.

* La Salle's meaning is 280° east of the island of Ferro, which was reckoned 20° west of Paris. Reckoning according to this standard, the mouth of the Ohio would be 100° west of Paris. In fact it is about 92°

† 'Margry,' Vol. I., p. 378.

‡ 'Id.,' Vol. I., p. 379.

§ 'Id.,' Vol. I., p. 324.

|| Journal General de l'Instruction Publique, 1862, pp. 626, 657, 658.

DETROIT DURING CADILLAC'S ADMINISTRATION.

I.

FOUNDER AND FOUNDATION.

UP in the fertile and picturesque country bordering on the Garonne, at the village of Saint-Nicholas de la Grave, included in the modern department of the Tarn-et-Garonne, France, was born on the fifth of March, 1658, Antoine Laumet de la Mothe-Cadillac, founder of Detroit.

Antoine Laumet descended from a family who had furnished many an advocate and judge to their province, and his father, Jean Laumet, was an advocate at the court. The family was rich, and Antoine no doubt received his name of Lamothe-Cadillac from some domain of his parents. Thus Marie Arouet received the name of Voltaire, which he afterwards made famous. Many writers have been puzzled by the many different manners in which he spelt his many names, but this bad practice was quite common in his time. It even subsists to this day among the French Canadians.

Jean Laumet destined his son for the judiciary, and gave him a thorough education. However, the peaceful and eventless career of a provincial magistrate had little attraction for the active and scheming mind of young Antoine, and he soon abandoned the study of French laws and customs to enter the

army. About this time, intimates an old manuscript, he got into personal difficulties which might have brought disastrous consequences upon his head. His vagrant imagination had already crossed the seas and roamed over the boundless fields of the new world. Efforts extraordinary were then being made to induce emigrants to come to New France, and thither he sought a refuge against the sequences of his folly and a field for his febrile activity. Such, at least, we may conjecture from vague indications, was the early life of Antoine Lamothe Cadillac.

The date of his arrival in Canada is not known, but it is certain that he was not then enlisted in the army, for while the blue coats of Louis XIV. were making war against the naked braves of the Five Nations in western New York, he was quietly married at Quebec, on the twenty-fifth of June, 1687, to Marie Thérèse Guyon, a vigorous daughter of New France.

The following year he petitioned the governor, Denonville, for a grant of a piece of land to have a sea frontage of two leagues, one league on each side of Union river, called by him Douaquec, to extend two leagues within the land, and to include Mt. Desert

Island "and other islands which are in the fore part of the said two leagues frontage," to hold in fief and lordship, with high, mean and low jurisdiction, he being desirous to promote an establishment there. Cadillac's petition was granted by the governor and confirmed by the king May 24, 1689. He had already proceeded to Acadia, and at this time was at Port Royal, where he continued to reside until he learned that the requested grant had been confirmed. He then went to France to obtain settlers for his newly acquired domain, but it does not appear that he succeeded in establishing a colony in Acadia.

After an absence of nine months he returned from France, and in 1690 he was commandant of a vessel, which was captured the following year by a Boston corsair.

During his stay in Acadia he had been able to make many observations on the condition of New England colonies. In 1692 his friend, Frontenac, sent him to France to give information concerning the contemplated attack on New York. The interesting memoirs which he then submitted to the minister of Louis XIV. have come down to us, and show that he must have fulfilled his mission satisfactorily. He returned in the spring of 1693, and on the twenty-fourth of the following October, Frontenac mentions his appointment to the command of a company.

On the sixteenth of September, 1694, Cadillac was appointed commandant of Michilimackinac and all the country westward. Here he remained five years, getting acquainted with the manners of

the Indians and the geography of the west. In 1699 he asked to be recalled. His request being granted, he hastened to Quebec, entered the halls of Château St. Louis, and laid before the governor-general, Callières, a newly conceived plan.

He had been charmed with the reports he had heard of the situation, fertility and climate of the *detroit*. His ever active mind had imagined the project of founding a great city on its shores, and he earnestly pressed Callières to adopt it. This the governor decided to do, and on the sixteenth of October, 1700, he wrote to Pontchartrain: "I shall send the Sieur de la Mothe and the Sieur Tonty in the spring to construct a fort at the strait." Cadillac wishing, however, to obtain more ample power and means than the governor was disposed to give, embarked for France to press his plan upon the attention of the colonial minister, Count Pontchartrain. It would be necessary, he told the count, to make of Detroit a permanent post, encourage settlement of the French, make it the centre of the fur trade, and draw around it the Indian allies of France. Such a post, he continued, would effectually conquer the Iroquois and cause them to respect the French; it would exclude the English from the fur trade, insure the domination of the French, and increase their profits from the trade. The king examined the plan and was pleased with it. He appointed Cadillac commandant of the projected fort, and granted him a tract of land fifteen acres square wherever the new fort should be

established. Besides fifteen hundred livres allowed for the erection of the fort, Cadillac was assured of the favor and protection of Count Pontchartrain.

Elated over the success of his mission, he started to return, reaching Quebec on the eighth of March, 1701. After informing the governor of the decision of the king, he proceeded to Montreal to hasten the necessary preparations for his expedition.

There were good reasons for haste. The Iroquois had heard of the projected settlement and sent envoys to Callières to protest against the menacing move. A conference was held May 5, 1701, at which the governor tried to reassure them as to his intentions, and declared that it was necessary to establish the post in order to forestall the English. He moreover firmly added that the territory was his own and that he intended to do as he pleased within its limits. The envoys went back apparently satisfied, but Callières, still fearing that the Five Nations would insist upon the discontinuation of the enterprise before ratifying the general treaty of peace which he was endeavoring to conclude, ordered Cadillac to depart before the delegates began to assemble, that he might thus have another excuse for not acceding to their wishes.

Accordingly Cadillac had all arrangements completed by the beginning of June, and on the fifteenth of that month he left La Chine, a few miles above Montreal, and entered the Ottawa river, for that circuitous route had been chosen in order to avoid meeting the Iroquois.

Cadillac had under his orders fifty Canadians and fifty soldiers, with M. de Tonty as captain and Messrs. Dugué and Charcornacle as lieutenants. Father Vaillant, a Jesuit missionary, and Father Constantine del Halle, a recollet friar, accompanied the expedition.

Up the Ottawa, across to Lake Nipissing, down French river and upon the broad expanse of Lake Huron, the hardy band of pioneers pursued their route. Then they entered the strait and drifted down with the current past where Fort St. Joseph had stood, and past the now famous St. Clair flats, until now the river broadened and formed a beautiful lake. Cadillac constantly scanned the shores, but could not find an advantageous site for his fort. Again the strait grew narrower, and a charming isle unfolded its rare loveliness to his admiring eye. As the canoes floated past it the air became perfumed with the sweet incense of the woodland flowers. Leaving behind him the dormant beauty of Belle Isle, Cadillac at last caught a glimpse of the site of the future metropolis of Michigan.

Far different from what it is to-day was the aspect. No cloud of dusky smoke then overhung the blue waters, and the most sanguine believer in the power and ingenuity of man never dreamt that the innumerable vessels of the greatest merchant nation would one day float near the beach where a few abandoned Indian canoes were stranded. Where tall electric towers now throw by night their white and piercing rays, there stood then gigantic elms and oaks, which afforded by day a shelter from the

burning rays of the sun. The wild birds which had not as yet learned to fear the deadly report of the hunter's musket, hovered around the advancing flotilla, and astonished the settlers by their discordant voices.

The settlers pulled their canoes on the sandy beach and encamped near the shore. As darkness threw its sombre veil over the land, the howl of the wolf and other wild beasts began to be heard in the woods near at hand.

At last night was over and the settlers rived the sun in getting up on the morning of the twenty-fifth of July, 1701, their first day at the place which they intended to make their home.

The work of erecting houses and fortifications was immediately begun. The first building erected was a store-house to put the provisions and tools under cover. On the twenty-sixth of July were laid the foundations of the chapel and then the dwellings of the settlers were commenced, and the work pushed forward until nearly a score of picket houses, covered with bark or thatched with grass, had been constructed. The whole was surrounded by a palisade of "good oak pickets fifteen feet long, sunk three feet in the ground." There were four bastions, but of irregular shape, and two of them were so small that they were of very little value. A street about twelve feet in width ran between the line of pickets and the houses.

The ground enclosed by the palisade forms to-day the eastern portion of the block surrounded by Woodbridge street, Griswold street, Jefferson avenue and Shelby street.

The fort received the name of Pontchartrain, in honor of Cadillac's protector, and over it was hoisted the white banner of France.

Detroit was born.

II.

FIRST YEARS.

The founder of Detroit met with many tribulations in the pursuance of his enterprise.

If we are to believe him, he had hardly reached Detroit when secret influences were already at work to prevent his success.

On learning that a post was to be established at Detroit, the Jesuit missionaries asked the governor permission to send members of their society to minister to the spiritual wants of the settlers. However, when Cadillac reached Montreal it was decided the Jesuit was only to be given the Indian mission, while a Recollet, Father Constantine del Halle, was chosen to be chaplain of the post. The Jesuits ascribed this change to the influence of Cadillac, whom they knew to be an enemy of their order, and resented it. Cadillac claims that Father Vaillant, the Jesuit who accompanied him, carried this resentment so far as to try to persuade the soldiers to return immediately on their arrival at Detroit, by promising them a full year's pay for six weeks' service. Whatever truth there may be in this, it is certain that Father Vaillant remained but a few days at Detroit.

Cadillac did not give himself up altogether to his quarrels with the Jes-

uits. The lodgings of the settlers having been completed as soon as possible, he ordered the soil to be plowed, and wheat was sown in the fall of 1701.

About the same time Madame Cadillac and Madame Tonty arrived at the post. They had come from Canada, by way of the lakes. Cadillac did not forget, either, his project of assembling the Indians around Detroit. On the sixth of December he marked out the site of an Indian village, and in the following spring called the chiefs to a council and sought to induce them to bring their tribes to the village.

While Cadillac was thus occupied, Fort Pontchartrain was ceded to the company of the colony of Canada. By the terms of an agreement concluded with the government of New France, the company was to take possession of the fort under the following principal conditions: The company was to have the exclusive contract of the fur trade at Detroit; to finish the fort and buildings belonging thereto, and keep them in good repair; and to support the commandant and one other officer. The necessary garrison was to be maintained at the king's expense.

The system thus inaugurated in the colonization of Detroit, was that on which all French colonial enterprises rested. Though open to many abuses, and not always founded on the soundest economy, it was generally a necessity of the circumstances. A colonial enterprise, even that of Detroit, simple and insignificant as it may seem to-day, was then an expensive one, above the means of an ordinary indi-

vidual fortune, on account of the long time and great outlay required before it would begin to pay its founder. It then became necessary to have subvention proceedings from exterior sources; and as French statesmen were too preoccupied with European wars and intrigues to supply these subventions, there was only one other way of helping colonization: that of granting to speculators commercial privileges destined to render immediate and extraordinary benefits.

Cadillac received the first notice of the cession made to the company on the eighteenth of July, 1702, and on the twenty-first of the same month he embarked for Quebec, with the intention of coming to some arrangement with the company concerning the interests of himself and Detroit.

A preliminary arrangement was soon arrived at, but the directors of the company having been persuaded that the conditions were too advantageous to Cadillac, they declared them void.

"Accordingly," says Cadillac, "another contract was made, by which the company agreed to pay me the sum of two thousand francs a year and furnish the necessary supplies for myself and family. It was also agreed that they should pay M. de Tonty the sum of one thousand three hundred and thirty-three francs per year. In consideration of the payment of these sums, I pledged myself not to traffic with the savages, directly nor indirectly, and to hinder, as much as should lay in my power, any other person from trading at that post; also to prevent any frauds or embezzlements

on the part of the employés of the company. The surplus funds of the company the directors left to my care and management for their interest."

This being satisfactory to all parties, he set out to return to Detroit, where he arrived November 6.

Messrs. Arnaud and Nolan were appointed commissioners of the company at Detroit, and entrusted with the management of the trade.

Cadillac came back with a greater desire than ever to have the Indians settle at Detroit, where they might be Frenchified, disciplined and made to serve the most Christian king faithfully; for it was one of the plans to form an Indian army to fight the battles of France in Europe as well as in America. He did not see what all his surroundings indicated, that the Indian can not be civilized. Yet a few years before he had himself written :

The savage himself asks why they do not leave him his beggary, his liberty and his idleness; he was born in it, and he wishes to die in it—it is a life to which he has been accustomed since Adam. Do they wish him to build palaces and ornament them with beautiful furniture? He would not exchange his wigwam, and the mat on which he camps like a monkey, for the *Louvre*. An attempt to overthrow the present state of affairs in this country would only result in the ruin of commerce and the destruction of the colony.

And he was right then. But in 1703 he exclaimed: "It seems that God has raised me as another Moses to go and deliver this people from captivity."

He succeeded in inducing several bands of Hurons, Miamis, Ottawas and other Indians to establish themselves at Detroit. But naturally enough events did not fulfill his expectations, and he

laid the blame of his failure upon the Jesuits, whom he accused of intimidating the Indians and influencing the officials of New France.

The governor, the intendant, the company and its officials, the missionaries, the *coureurs-de-bois* and even his own subordinate officers he claimed were plotting his ruin and that of Detroit. And all this on account of personal enmity.

That he had many enemies is as certain as it is certain that many of his projects were visionary and that his accusations had their ludicrous side, but he was not the least to blame for this. A Gascon by birth, he had inherited much of the love of boasting and the disagreeable temper proverbially attributed to that people. These qualities, united to an indiscreet use of sarcasm, were not calculated to gain many friends for their possessor.

It is no wonder that the Jesuits avoided residing near such a man when they knew him to be hostile to them, but it is not probable that they ever did anything out of malice to injure his interests.

The conduct of the company and its employés was far from what it should have been, but personal enmity had nothing to do with their actions. Every creature acts according to its instinct, and fur-trading companies and individuals are no exceptions to the rule. Give them a monopoly and their money-making instinct becomes consecrated by all laws human and divine. Consequently the company would advance nothing to put the Indians in motion

because it could not see that it would be benefited thereby.

Messrs. Nolan and Arnaud, the commissioners, according to Cadillac, were ruined merchants who secured their appointments through the most manifest nepotism. On their arrival they promptly gave the Indians to understand that they would have to accept whatever they felt disposed to give them for their furs. Thus they made a profit of four hundred per cent. on powder, six hundred on balls, three hundred on tobacco, etc. No goods were sold at less than one hundred per cent. profit. To these extortions they added insult and contempt, and the Indians were soon estranged.

In the summer of 1703 the English sent envoys to the Indians at Detroit, with reduced rates of their goods, and invited them to come and visit them. A number of Ottawa chiefs accepted the invitation.

Happily for the colony, Cadillac did not give all his attention to the Frenchifying of the Indians. He promoted agriculture, favored the marriage and the establishment of the soldiers and Canadians. On August 30, 1703, he wrote to Pontchartrain to obtain the power of granting land. He continually demanded more families and an increase of his forces. Some of his demands were disproportionate to the capacity of New France; but the governor-general was very negligent in paying and caring for the garrison. The number of soldiers rapidly dwindled down to twenty-five and less, and nine of these deserted in 1703. They, however, requested the permission

to return, which was gladly granted by Cadillac.

III.

CHARGES AND COUNTER-CHARGES.

New troubles were brewing in Detroit, and the year 1703 was destined to be a stormy one in the annals of the post.

The commissioners, Arnaud and Nolan, relying upon the protection of the two principal directors of the company, their relatives, did not limit their proceedings to extortions from the savages for the benefit of the company, but in turn engaged in trade on their own account, selling the goods of the company to the savages and appropriating the product to themselves.

In the spring of 1703, Cadillac discovered these embezzlements, and also found proof implicating Tonty, his captain.

He thereupon wrote to M. Vaudreuil, the commandant of New France, and to M. Lotbinières, a director of the company, requesting immediate instructions. M. de Vaudreuil replied not to precipitate matters, as he wished to consult the intendant before coming to a decision. M. de Lotbinières also requested Cadillac to pardon Nolan and Arnaud, promising that he would arrange matters peaceably.

Before Lotbinières' letter reached Detroit, however, Cadillac had already sent an account of his discovery and of the seizure he had operated to all the directors. What action they took on the subject is not recorded; but about

this time chief commissioner Radisson was recalled and M. Desnoyers sent to replace him. This new commissioner reached Detroit June 5. It then began to appear that the directors of the company considered Radisson as the principal transgressor, and Cadillac was accused of being in league with him and protecting him. In the course of time they also charged Cadillac of having incited the Indians to demand the dismissal of M. Desnoyers; of using violence towards that officer, and of instigating the Indians to object to the removal of furs until the store-house was filled with goods, and all the French had a right to trade with them.

These charges Cadillac brands as atrocious calumnies, and he says that they were made by the directors of the company in order to shield their relatives, whose frauds he had detected. But his defence, though we have no direct contrary evidence to contradict it, is not invulnerable. Thus he claims that the directors were perfectly satisfied with him until the close of 1703. But Pontchartrain writing under date of July 14, 1704, says that he received at the same time as Cadillac's letter of August 30, 1703 a series of complaints from the directors of the company. And again, answering the charge of inducing the Indians to demand the dismissal of M. Desnoyers, he says: "It is an absurd subterfuge to say that the savages demanded his dismissal so soon (three days) after his arrival." Yet a few pages further he himself affirms that M. Desnoyers having arrived on the fifth

of June, "on the eighth the savages demanded his removal by a belt."

While commandant and company were engaged in these sterile and inglorious quarrels, the ill-treated Ottawa chieftains had been to Albany. They returned more disaffected and alarmed, as the English persuaded them that the Fort at Detroit had been established for the purpose of effecting their subjugation.

Soon after their return, in the fall of 1703, in the middle of the night, a sentinel saw flames issuing from a barn full of corn and situated between two of the bastions. At the same time he perceived a form rapidly making for the woods. He discharged his musket at the retreating incendiary and gave the alarm. In an instant everybody in the fort were out, but they had little means to fight the fire. Yet they went to work with a will, and after the barn in which the fire had originated, the church and the houses of Cadillac, Tonty and the Recollets had been consumed, the flames were mastered. The fortifications were also seriously damaged, and Cadillac had one hand severely burned while fighting the flames. He estimates his own loss at four hundred pistoles. The fort was repaired in two or three days, all the savages—or at least all those who did not sympathize with the incendiary—assisting the French with the best possible grace. As Cadillac had lost all his own provisions, as well as the supplies of the garrison and of the company's servants, the Indians gave to the commandant personally a

hundred bushels of corn, and furnished all the grain necessary for the subsistence of the garrison, at the usual prices, taking no advantages of the necessities of the French.

The damages caused by the fire had hardly been repaired when a band of Miamis, from Ouyatonon, appeared at Detroit, attacked the Indians settled there and killed an Ottawa, two Hurons and a Pottawatomie. This act of hostility exasperated all the Indians at Detroit, who immediately prepared to inflict a condign punishment upon the aggressors. Foreseeing the fatal consequences an Indian war would bring on his settlement, Cadillac promptly interfered and persuaded his allies to wait a few days. He then dispatched a messenger to the camp of the Ouyatonons to threaten them with all the wrath of the French unless they made amends for their conduct. Upon receiving this message the Ouyatonons sent their chiefs to Detroit, and the matter was settled for the time being.

About the same time the Illinois sent out a war party of fifteen braves against Detroit. They were discovered before accomplishing any harm, captured and whipped at the post. Cadillac then sent four of them back to their tribe, and through them concluded a treaty of peace.

While Cadillac was busy settling Indian quarrels, M. Vincelet had been sent to Detroit by the governor to look into the charges made against him, and this investigator reported the charges founded.

Accordingly, when early in the autumn

of 1704, Cadillac went to Quebec in order to arrange for the transfer of fort Pontchartrain to himself, according to the intention of the king, he was presented with a memorial of the charges made against him by the company, that he might prepare to defend himself. At the same time he was requested by M. Ramesay, the commandant of Quebec, not to leave the city until he had been tried.

Through the influence of the directors the trial of Cadillac was repeatedly postponed; but finally, on the fifth of June, 1705, he was acquitted by the intendant of the charges made against him, but not permitted to return to his post.

Cadillac refused to recognize the power of the intendant to try him, and objected to all other courts and officials in New France. He accordingly appealed to Pontchartrain, and towards the end of September, 1705, he received an order from that minister to send full explanations of his conduct and to remain at Quebec until further orders.*

* The defense which Cadillac then forwarded may be found in Sheldon's 'Early History of Michigan.' The document is in the form of a conference between Count Pontchartrain and Cadillac, and Mrs. Sheldon, followed by M. Farmer, supposes it to be notes of an actual interview between the count and the commandant of Detroit. This, however, is purely imaginary. Pontchartrain never came to Canada, and the document was written at Quebec while Cadillac was detained there. It is almost the only record we have of the above charges and counter-charges. While there are facts in the document, it is largely given up to improbable or exaggerated attacks on those Cadillac called his enemies. Even after using the greatest circumspection, one can hardly hope of arriving at the exact truth from perusing this one-sided argument.

On the twenty-ninth of September, 1705, M. de Bourgemont was appointed to command at Detroit until Cadillac's return. He immediately set out, but did not reach his destination until the twenty-ninth of January following.

Count Pontchartrain was more inclined to put faith in the assertions of his pro-

tégé than a modern critic would be, and he completely approved his conduct. Consequently Cadillac started to return to Detroit in June, 1706, with increased powers and privileges, and many recruits for his settlement.

T. ST. PIERRE.

PIONEER MEDICINE ON THE WESTERN RESERVE.

IX.

THE name of Dr. Horace A. Ackley is one which will be remembered as long as that of any medical man on the Reserve. Probably more anecdotes are told of him than of any other physician or surgeon. A man nearly six feet tall, of magnificent physique and great endurance, he was commanding in person and at the same time possessed those other qualities necessary to give him a control over men. Born in Genesee county, New York, in 1815, he was educated in the common schools and later attended an academy. Studying medicine for a short time in Elba and Batavia, he later attended lectures and graduated in Fairfield, New York, receiving his degree in 1833. It was here he came under the instruction of Dr. DeLamater, with whom he afterward became closely associated.

After his graduation he removed to Rochester, where he was connected in practice with Dr. Havill, and during this time gave a course of lectures on anatomy, in Palmyra, for Dr. Delamater,

who had at that time ceased teaching in Fairfield. In 1835 Dr. Ackley came to Akron, Ohio, and while living there lectured on anatomy in Willoughby. He remained but a short time in Akron, having removed to Toledo, where he lived for three years, after which time he came to Cleveland. A characteristic incident is told of Dr. Ackley during the time he spent in Willoughby. A sailor had been drowned in the harbor, and had been secured by the doctor for anatomical purposes. Another physician, not in sympathy with the medical school, sought to make capital by criticising the doctor, and finally carried the matter into the courts, prosecuting Ackley. Ackley, with his usual dash and readiness, proved himself innocent. The prosecution was then transferred to a younger and less influential man, whereupon Dr. Ackley went again into court as a witness, swore he had secured the sailor himself and thus cleared his friend.

Another time, in the same school, a

peddler from Ashtabula came to the medical building ostensibly to sell his wares, but more from curiosity. Making his way into the anatomical room the students locked the door after him, and telling the peddler they would dissect him, so terrified him that he jumped out of the second story window and unfortunately was somewhat injured. This again raised great indignation among the opponents of the school, and a crowd was gathered to attack and destroy the college building. Ackley, getting wind of this, loaded to the muzzle a little cannon and placing it on the top of the steps leading to the anatomical room, announced in the most emphatic language common to him, that if they approached he would sweep the crowd.

On the organization of the medical college in Cleveland he was appointed to the chair of surgery, which chair he occupied until 1855, when he resigned.

During the twenty years which Dr. Ackley practiced in northern Ohio, his reputation became very great. Being the first man of this section who practiced especially surgery, and holding a prominent position in what was one of the most influential medical schools of the west, he became widely known for his professional ability and dexterity as an operator.

He was a daring operator, being at the same time a skillful one. It is said he was also ambidextrous. Added to this he was a good anatomist, and was fond of study in this direction.

Cases for operation came to him from long distances, and he was called much

in consultation. We have no record of the operations he performed, but they covered the whole field of surgery as then practiced, and was of a sort to make Ackley known as an operator throughout the east as well as in the west.

As a lecturer he impressed on the students what he wished to have them know, but his method though striking and popular was not systematic. He might begin a course of lectures with one of the most difficult subjects in the field of surgery, and in the next lecture go to another wholly different and equally difficult. His method with his patients was very brusque, still those who knew him say that they never saw a man who could enter a sick room and be more sympathizing and gentle. He was a man who disliked greatly to be imposed upon, and wished to have the value of his services promptly recognized. A story is told that a man came to him one day with a dislocated thumb. Ackley quickly reduced it, and when asked for his bill said ten dollars. To this the man objected as exorbitant. Ackley asked to see the thumb again, and thereupon dislocated it as quickly as he had previously put it in place, saying to the man if he did not like the charge he could go to some other surgeon. He was a man who was impulsive in his actions, as is shown by the following incident: One day while out duck shooting he was accompanied by a favorite dog. Another hunter was on the opposite side of the stream, and as the ducks which he shot fell into the water, Dr. Ackley's dog would swim in

and get them. The man objected to this, but Ackley told the man he should have all the ducks retrieved by the dog. The man answered that should the dog retrieve another duck he would shoot him. Ackley replied if the man shot the dog he would shoot the man. Another duck was shot and in sprang the dog, and was as promptly shot. Ackley reciprocated by filling the man full of shot from his fowling piece, after which he immediately left the scene and returned rapidly to the city. Sometime later a man came into his office complaining that some one had filled him full of bird shot. Ackley proceeded to pick them out one by one, at the same time condoling with the man and at the close of the process charging him a good bill.

That Ackley was a man of expedients is shown by his manner of meeting an emergency which occurred early in his practice. When out with a sleighing party a young lady of the company had a piece of meat lodge in her oesophagus, causing her great distress. Having no instruments at hand he went out, broke off the end of a flexible whip, and with this as a probang forced the obstruction down into the stomach, thus giving entire relief.

The boldness of the man is shown by his action on the occasion of the failure of the Canal Bank of Cleveland. At the time of the construction of the insane asylum he had been appointed a trustee, and as such was custodian of money from the state which he deposited in the bank. Shortly after this the bank broke. Ackley went immedi-

ately and demanded the money belonging to the state. This was refused him. He at once secured a sledge hammer, chisel and bars, went to the bank, entered, and proceeded to demolish the safe. Succeeding in this, he secured the state's money, which he placed elsewhere for safe-keeping. There are certainly very few men who would have undertaken such a task, and fewer still who would have accomplished it.

Dr. Ackley was very fond of hunting, and, with Dr. Garlick of Cleveland and Judge Potter of Toledo, used to spend considerable time in chasing foxes. Judge Potter being asked if Ackley was a fine shot answered no, but he could run down a fox in half a day. His powers of endurance were very great, and he seemed indifferent to storms or weather.

Ackley's fondness for stimulants resulted in a ludicrous incident on one of these hunting excursions. At such a time he used to ride a small horse, noted for its endurance. In jumping a brook the horse fell and pitched Ackley on his head. As he landed his gun was accidentally discharged. His friends coming up found him lying on the ground, groaning that he was killed. One of them doubted if he was hurt, saying that he could see no blood. Ackley replied that gunshot wounds do not bleed. When asked where he was hurt, he said: "Gunshot wounds are numb." Finally his friends insisted on examining him, and, getting him up, found no injury whatever, much to their amusement and Ackley's discomfort.

When Ackley was bored by anyone he

did not hesitate to show it. An old divine, who was quite deaf, and who had often detained Ackley on the street, hindered him again one day, and, with his hand behind his ear said: "Doctor, there is something the matter of my ears. What do you think it is?" Ackley, leaning over, shouted in his ear: "They are too d—d long."

The stories concerning his obtaining and preserving anatomical material are innumerable. Once a body was brought in a bag to his house. The bearers were told to put it in the cellar and he would care for it soon. On opening it he found they had brought him a man dead drunk.

At another time when search was being made for a body secreted in his office, he placed it in a barrel and rolled it out on the side walk, thus causing it to be overlooked on account of its exposed position. It is said that in the crooks and turns of the old college building on the corner of Erie and St. Clair streets, many is the time he eluded the officers, transferring what they sought from place to place, through intricate passages, during their search. At the time when the homeopathic college, then at the corner of Prospect and Ontario streets, was gutted by a mob, it was supposed the next point of attack would be the college building at the corner of St. Clair. The mayor offered a guard, but Ackley had gathered a number of students, armed them and barricaded the building. Hearing of this the mob, who knew his fearlessness, had no further desire to attack the building.

These are but a small part of the

stories that are remembered concerning Ackley, and many of the most characteristic will not bear recording. It may seem out of taste that even these should have been repeated. Still, to those who know the man, it will at once occur how impossible it would be to give any idea of him were they omitted.

Ackley may well be termed a genius, and that too of no common sort. With little more than a common school education, and very limited medical training, he had those qualities which enabled him to tower above his fellows and attain a popularity and reputation more extended perhaps than any other surgeon of his time in the west. He performed great operations and performed them well; he met trying emergencies with inadequate equipments, still he was equal to them. He commanded the admiration of his students and his contemporaries.

He consulted frequently Dr. DeLamater, whose judgment he held in high esteem, still he was remarkably independent and selfreliant. He had in him those elements which commanded attention and gained popularity.

With all his natural talents, however, he suffered the hinderances belonging to an untrained and inadequately disciplined mind and character. With his abilities he lacked method in his professional labor.

With magnificent powers, mentally and physically, he had no self control. The very strength of his natural endowments being unrestrained simply hurried him on the faster to his end.

With great professional reputation

that would have increased to old age, he was obliged, on account of his irregularity, to resign from the Cleveland Medical college in 1856. With physical forces that should have brought him to four score years, he had dissipated them so that at the age of forty-four he ended his career.

No man could aspire to a more rapidly acquired and wider reputation than he had gathered while still a young man. We know of no one who has thrown it away so recklessly. From the central figure of a large section of country he sank by dissipation, in a short time, so that he died without fortune or friends. Returning by steamer from Detroit on the night of April 21, 1859, he was taken violently ill, and after much suffering died on the evening of April 24.

With all his faults and failures he had much in his character to admire. At the time of the great epidemic of cholera in Sandusky, he went thither in charge of a corps of assistants and did much work to relieve that plague stricken city.

With all his seeming bravado he had a tender heart. One of his associates tells of being invited at one time to come to see him perform an unusually difficult operation. Before its performance he was silent and taciturn. When successfully completed his jovial spirits returned, and the next morning his guest was awakened by Ackley at the foot of the stairs singing in trumpet tones a good old camp-meeting melody.

Among the profession of northern Ohio, past and present, there has been

no one so popularly known as Dr. Ackley.

Among the papers left by Dr. Theodatus Garlick is a short history of his own life, which was written when he was seventy-nine years old. From this we have gathered most of the facts which we relate concerning him. He was born March 5, 1805, in Middlebury, Vermont, where he lived until July, 1816, at which time he left home, and on foot, with a knapsack weighing fourteen and one-half pounds, traveled to Erie county, Pennsylvania, to find his eldest brother. With him he learned the blacksmith trade. Later, with another brother, he learned the marble-cutter's trade, and, with a third, on Bank street, in Cleveland, the stone-cutter's trade. Here he carved many head-stones.

After leaving home, at the age of eleven years, he was dependent entirely upon his own exertions, never receiving a dollar of aid from anyone. He spent some time in Cleveland, then went to Black river, and later to Newberry, on the Chagrin river.

At the age of eighteen years he returned to his home in Vermont, where he remained one year. Coming west again, he continued to work at blacksmithing or stone cutting most of the time until 1830, when he began the study of medicine with Dr. Eyra W. Gleason of Brookfield, Trumbull county. Dr. Gleason's removal to Mercer, Pennsylvania, resulted in Dr. Garlick's change to the preceptorship of Dr. Elijah Flower.

While studying, Dr. Garlick supported himself by working forenoons at carving head-stones, and he says he was able to accomplish a journeyman's full day's work in that time.

The winters of 1832 and 1833 were spent in attending lectures in Baltimore, and at the commencement of 1834 he received the degree of M. D. from the medical department of the University of Maryland. From the first, Dr. Garlick determined upon being a surgeon, and, with this in view, gave especial attention to dissecting, and was very skillful in it. After graduation he remained in Baltimore with Professor N. R. Smith, the noted surgeon.

While in attendance upon his last course of lectures, Dr. Garlick developed his talent for modeling. Seeing a medalion by an artist named Waugh, he says himself: "I was so captivated with it that I was induced to try my hand at modeling a basso-relievo." The work was so well done that its exhibition in the city library attracted considerable attention, and at the request of Mr. Skinner, editor of the *Anvil and Loom*, Dr. Garlick was presented to the President, Andrew Jackson, and his cabinet, in Washington. To President Jackson's inquiry as to the number of sittings which would be required for modeling a portrait, Dr. Garlick replied four of one-half hour each. The time appointed was the next day at ten A. M. The following, in Dr. Garlick's own words, may be of interest.

I was promptly on hand at the appointed hour with modeling wax and modeling tools. After

being seated, he asked me if he might talk. I replied, "Yes, sir. I much prefer you should converse." After sitting a short time he asked me if he might smoke his pipe. I replied, "There is not the least objection." I remember the pipe he smoked. It was a very long, white clay pipe, the end of the stem having been waxed with green sealing wax. I finished the sitting in less than half an hour, and thanking him, bade him good morning, making an appointment to be there the next day at the same hour. The President gave me only four sittings, but it took me about a week to finish the model and make a cast or copy of it, in a material compound of white beeswax and flake white, having the appearance of the finest parian marble. The likeness was full length, miniature, sitting in a chair. I had it set in a fine frame and presented it to the President. He was pleased with it, and rang the bell for a servant, and directed the servant to call in the wife of Major Donaldson, his private secretary, also her sister, a young lady. The likeness was pronounced perfect. On the following day there was to be a state dinner, and the President invited me to attend it. I politely declined the honor, saying that I had an engagement, which was true, but I could have put it off; but I knew I should make a sorry appearance at a state dinner among foreign ministers and other dignitaries.

Returning to Ohio Dr. Garlick located in Youngstown September 9, 1834, where he continued in practice for eighteen years. At this time there were in practice in Youngstown Dr. Manning and Dr. Cook.

At first, having little to do and also little money, Dr. Garlick, being an expert workman, manufactured for himself a set of amputating knives, trephines and obstetrical instruments. Some of the latter we now have in our possession. They were made for Dr. Mygatt of Poland, and were used by him throughout all his extended practice. The perfection of their workmanship attests the great mechanical skill possessed by Dr. Garlick. Dr. Mygatt, in speaking of Dr. Garlick in connection

with these forceps, said the doctor used to be called a whitesmith on account of his superior skill as a workman, and says he was able to do work of any sort.

With the gradual increase in practice Dr. Garlick took as a partner, Dr. H. H. Palmer, having more than he could attend to himself, and they were in company until the removal of Dr. Garlick to Cleveland in the fall of 1852, at which time he entered into a partnership with Dr. Ackley, the two being associated for eight years. In the winter of 1850-51, Dr. Garlick had made at the college dissections of some of the most important surgical regeious, and from these had made casts, which were afterward colored. Of these he completed eight sets. One was for the Cleveland Medical college, and part of it is still preserved. The others were sold, one of them being purchased by Professor Mussey of Cincinnati, who commended the work highly.

Dr. Garlick did a considerable amount of surgery, performing many of the capital operations. He was also much interested in matters of natural history. The artificial breeding of fish was a subject occupying much of his time, and in 1854, he read before the Cleveland Academy of Natural Sciences a paper concerning his efforts in this direction, made the year previous.

In this he was a pioneer in the United States, as he was also in making plaster casts of fishes. He also wrote a monograph upon fish. His experiments upon the breeding of fish were made chiefly upon brook trout, and on a farm belong-

ing to Dr. Ackley, located about two miles from Cleveland.

In 1864 he was attacked by a disease of the spinal cord, from the effects of which he never recovered. Being thus obliged to relinquish the practice of medicine he removed to Bedford, where he spent the last days of his life.

At the last of his journal he says: "Did I not believe in a future life that will continue eternally, death would appear frightful to me." Again he says: "This is a doctrine full of comfort to me, for I believe I shall very soon meet all my departed loved ones." Almost at the close he writes in an unsteady hand: "I am seventy-nine years old to-day. I cannot say that I wish to live another year."

In the latter years of Dr. Garlick's life he carried on a regular correspondence with Dr. Kirtland, whom he greatly admired.

This review of Dr. Garlick's life will show him to have been an uncommon man. Without early advantages of education, and in the face of many obstacles, he secured his education.

He was a man of great ingenuity, as was shown in his mechanical work. Some of his modeling, too, is of a sort to do him much credit, showing that his abilities in this direction were very considerable. His casts of anatomical specimens, too, were good. His mechanical skill was of service to him in surgery, and he conceived and carried out alone and in conjunction with Dr. Ackley, some very difficult operations.

In the department of natural history

he was much interested, doubtless receiving his inspiration from Dr. Kirtland. The many directions in which various departments of work led him, while they show the native abilities of the man, doubtless prevented his acquiring that professional reputation to which he would have otherwise attained.

Dr. Garlick married for his first and second wives, daughters of Dr. Flower of Brookfield, his early preceptor. The maiden name of his third wife was Chittenden.

No history of the early physicians of the Reserve and of Cleveland would seem complete without the mention of Dr. Erastus Cushing. Coming to Cleveland as he did in 1835, he is to be counted with our list of pioneers, but since a kind Providence still spares him to us we may not speak of him as of those who are no longer here.

There can, however, be no impropriety in departing from our purpose to speak of no one who is now among us, to say that no physician in Cleveland has ever been more beloved than he. How many still remember his kindly inquiry, "Well, how do you do to-day as compared with yesterday," and would have been glad to have him still the one who should make this inquiry at their bedsides. The kindly interest with which he stopped us on the street one day, years ago, is not to be forgotten. Walking with us a short distance he in parting said: "If you have leisure for loitering I should be glad to have you call on me," an invitation which we have often found leisure to accept and

never without pleasure and profit to ourselves. Many of the incidents in the sketches which have been written have come from him, and with these he has mingled such words of counsel as would be of benefit to any young man, and at the same time has shown himself so generous in his estimate of his former associates, so devoted to the true interests of his profession, and so refined a Christian gentleman in every particular, that to know him has been a privilege which to emulate his virtues would be a blessing both to the physician and those for whom he labors. Dr. Cushing was the son of a physician, and was born in Berkshire county, Massachusetts, July 15, 1802. He received his education at the Lenox academy, and at the age of twenty began the study of medicine with Dr. William H. Tyler of Lanesborough, Massachusetts. He attended his first course of lectures in New York City, but was prevented from returning a second winter by an attack of whooping-cough, so that he attended lectures and graduated at the medical college at Pittsfield.

After practicing some years in Massachusetts, he spent the winter of 1834 and 1835 in medical study in Philadelphia. In 1835 he came to Cleveland. Though of slender frame and delicate health, by great care he has been able to accomplish an amount of medical practice unequalled by any other man of his time. In 1872, much to the regret of his patrons and friends, he relinquished the practice of his profession and withdrew from active life. We still see him, however, on our streets, remarkably active and well preserved both in body and mind.

DUDLEY P. ALLEN.

MODERN MEXICO.

THAT "there is a destiny which shapes our ends, rough hew them how we may," is seldom more plainly seen than in the history of the modern progress of Mexico. If ever angels and ministers of grace, in looking upon earth's conflicts, have despaired of any good issue out of strife, it must have been when watching the aimlessness and wastefulness of the half-century struggle through which that unhappy country has but lately passed. Apparently with every decade chaos grew worse confounded, without any perceptible connection between cause and effect, without rhyme or reason. Pronunciamento followed pronunciamento, general followed general, and revolution trod on the heels of revolution. But notwithstanding all the extreme confusion of purpose, and innumerable defects of method, he who attentively reviews this period of tumult may yet very easily see that there have been several distinct advances, that there are dates—with deeds—which mark the steps of upward progress. Of these the first is, naturally, that upon which the strife began, 1810. In the first quarter of the sixteenth century the Spaniards found and conquered a new and beautiful world—"a land bathed by two oceans, rising from one and sloping to the other, and on both acclivities possessing all the climates of the world, from the graceful shadow

of the palm on the sea shore to the eternal ice on the mountains overhanging the Valley of Mexico." Of this they kept undisputed possession till the first quarter of the nineteenth century. But at that time the effects of the invasions of Napoleon I. extended to this far-off continent. The break in the royal succession of Spain made by his imprisonment of Ferdinand VII., and the struggle consequent upon his attempt to keep his brother, Joseph Bonaparte, upon that throne, in the place of Ferdinand, caused a confusion of authority, the effects of which were felt even more in the distant provinces of Spain than in that kingdom itself. The cohesion which years and centuries of association and habit produce, is a strong bond, and it will often carry a central government safely through a crisis that threatens a dissolution. But it is as a chain that weakens in proportion to its length, and, at a critical time, has often proved to be too weak and insufficient to hold remote dependencies to their allegiance to the central power.

After three hundred years of unquestioned submission to the Spanish domination, the idea of independence first took possession of the Mexican mind. It is an idea which, once sown in western soil, takes root and flourishes with the stubborn tenacity of its native forest

trees. In Mexico, a circumstance of less importance than the change of thrones is said to have lent its aid toward determining the course of events. In order to compel the purchase of Spanish wines by the Mexicans, the cultivation of the grape had been forbidden in the province of New Spain. Still the priest Hidalgo, cura of Dolores, had ventured to grow some vigorous vines in his walled garden. These were discovered by the inspector of the viceroy, who immediately ordered them to be cut down. This act of petty tyranny rankled in the mind of the lover of good grapes, and, it is asserted, went far in assisting him to perceive the advantage of independence, the opportunity for which was then opening to the Mexicans. Be that as it may, Hidalgo first gave voice to the thought that began to stir in the Mexican heart in the famous cry of "Dolores," first uttered in 1810, "Long live our holy religion! Long live the most Holy Virgin of Guadalupe! Down with the bad government!" With this rallying cry he hastily collected a motley but numerous force, with which he assayed to attack the disciplined troops of the Spaniards. The result is soon told. After various alternations of slight success and heavy defeat, his followers were finally repulsed. He and his companions in arms attempted to flee to the United States, but were overtaken in their flight and shot without mercy. But the movement was not suffocated. On the contrary, it was then thoroughly inaugurated. The days of Mexican purgation were begun. But as is often the case with severe remedies,

the violence of the physic for a long time made the patient worse. The great difficulty then was, and since has been, that there was no unity of aim. The Razas Mexicanas distrusted the Razas Mezcladas, and both not only feared but from that time also learned to detect the Spanish European families who had till then supplied the brain and capital of the country. This distrust, although the natural outgrowth of the system under which the races had been held together, made impossible the rise of any great leader who could command their united confidence. No man appeared who could by the personal influence of high motive, draw the warring elements together, subordinate their race prejudices, and concentrate their force upon a common purpose. Apparently in a losing way the contest fared on for eleven years, till the strategy and rough courage of a soldier risen from their ranks, brought him to the front of the revolutionary movement. The Viceroy Apodaca had placed Iturbide in command of a chief division of the royal Spanish army. Being withdrawn to a distance from the capital, he proposed to his troops an agreement, the plan of Iguala. The points and watchwords of this plan were "Religion, Union, and Independence." To this they consented, and with their support he declared for the revolution. Guerrero and his troops and the followers of Morelos and the Bravos joined him at once. Meantime the European Spaniards at the capital had deposed Apodaca and were quarreling among themselves. Iturbide was intending to

march upon the capital when he heard of the arrival of a new Spanish viceroy. He hastened to meet him at Cordova. He represented to that gentleman, Don Juan O'Donohue, that all hope of restoring the broken allegiance of Mexico to Spain was forever past. He proposed to him to accept the "plan of Iguala by treaty as the only project by which any member of the royal family could retain any authority at all in the province, or by which the European Spaniards could be preserved from the fury of the Mexican populace. O'Donohue agreed to the proposition. The crown was offered to Ferdinand the VII., just then not otherwise employed, but it was declined. The treaty also was nullified as soon as it was announced at Madrid. Nevertheless, Iturbide, at the head of the army of the "Three Guarantees," marched in and took possession of the capital in the name of Mexican nationality. Thus in 1821 was the second step of progress taken, and the independence of the country finally established. Had Iturbide been able to divest himself of monarchical ideas and of personal ambition, perhaps he could have brought Mexico, at that time, to her full destiny. In gratitude for what he had accomplished, the country threw itself at his feet and looked to his hand for guidance. This was true of all except the Spaniards, who very generally at this time sold their estates and went back to Europe. The best informed Mexicans estimate that the currency of the country was reduced by at least eighty million dollars by this withdrawal of

the old Spaniards. The following year Iturbide was declared emperor. But uncertainly the head is carried that wears a crown in Mexico. Seven months after the solemn and splendid coronation of Iturbide in the cathedral, Santa Anna "pronounced" for a republic. Elated by success, Iturbide had become cruel and arrogant. The fickle people had forgot his past services. Santa Anna had obtained the supremacy. Iturbide was deposed and banished. Deprived at once of means and of guidance, the country fell into anarchy. Then chaos came again. But despite the inextricable confusion of this period, it was at this time that the republic really began to emerge and form into shape. Fernandez, who is better known by the name which he took because of his successes in the Wars of the Revolution as Guadalupe Victoria, was the first president. The first federal constitution was adopted in 1824. Again, had Santa Anna been a pure patriot, had he, with a steadfast confidence in her future, served his country with half the zeal he served himself, he also might have been able to lead her on to peace and prosperity. For the next thirty-five years there is no name so conspicuous as his upon the blotted page of Mexican history. None was more feared, and no single mind had so weighty an influence upon the movements of his time. Indeed, a history of this remarkable man would almost set forth the modern history of his country, so intimately, and for so long a time, was he interlinked with its destiny. From the fall of Iturbide till 1833 he controlled the creation

of president, and contented himself with the reality of power without its name. But in that year, omitting the ceremony of election, he possessed himself of the supreme magistracy. From time to time thereafter, till 1856, sometimes as the chief of the Republican faction, sometimes as leading the Church party, he occupied that office. If he was not president he was general-in-chief, a station which in fact is the more influential of the two, since for many years the real seat of power in Mexico has been the army. In '35 he stood alone in the esteem of his countrymen. Always of an emperor's disposition as soon as he was in power, he made every effort to make it absolute. By his influence in '36 the constitution was "centralized;" that is to say, the states were deprived of their legislatures and their governors were to be appointed by the president himself, and thus they were reduced to mere departments and dependencies of the central government. This measure gave deep offence to the Liberal party, which had then already taken shape and begun to exert a controlling influence. Consequently it reacted with much force against the government. Santa Anna was in Maloder. He was glad the same year to lead the Mexican troops against the Texans on the border, and perhaps not altogether sorry to be taken prisoner at San Jacinto, for with the halo of the martyr, he shortly returned home, and in '38 burnished his name anew by a gallant defense of Vera Cruz against the French under Prince de Joinville. It was then he lost the famous leg

which is now "the only part of him for which his countrymen have any reverence." This sacrifice so restored his prestige that in '41 he was again supreme. But in '45 he is found in exile, only to be recalled in troubled '46 as the "well deserving of his country," and to have her destinies for the third time committed wholly to his hands, to be by him defended against its foes, at home and abroad. In '47 he distinguished himself by the ferocity with which he led the Mexicans against the American forces, to be, however, again defeated.

It is not easy to account for his influence, for while he was scrupulously able in planning a campaign, he never won but one battle. With high natural powers of government, through lack of mental or moral discipline, he repeatedly failed either to guide or control the warring elements of Mexican politics. In '53 he had himself declared perpetual dictator, with the title of Serene Highness. But neither the serenity nor the highness proved perpetual enough to last three years. In '56, execrated and condemned by his former adherents of both parties, Santa Anna fled the country, and though he afterward returned to it, he was never able to put his hands upon the reins of government or regain the respect of his countrymen.

Throughout this long period the intervals between his frequent appearances at the front of affairs were filled up with a shifting variety of "pros," "cons" and "plans" pronounced by one or another revolutionary chiefs, with

the repetition of which it were profitless, in the Spanish phrase, "to embroil the memory." And the thousand and one gaps between the putting down of one leader and the appointing of another were filled by the "Eternal Junta of Representatives," who always reunited in the capital to cover all illegalities." But the times and seasons yet waited for their guide, till in the order of revolving disorder Comonfort, Juarez and Lerdo appeared. Until then the efforts of every leader only seemed to increase the decay of prosperity, to make less secure the execution of justice and all moral principles, less possible any right living or education. Robbery and secret treachery were the only things that could be considered certain. The sad, the bitter shame, of Mexico had been that, in the long rolling years of her ceaseless revolutions, the country had not been purified enough to produce men whose greed of wealth and power was overcome by their love of the common weal. But at length, for the first time, principles and not men began to prevail. Still it cannot be affirmed that Comonfort, Juarez and Lerdo were faultless heroes of untouchable conduct, who in the plenitude of wisdom led their distracted country into solidarity and security. The world's work is usually done by faulty people. Certainly Comonfort cannot be said to have always acted wisely and consistently. But he is especially mentioned in this connection because the third and the greatest and most decisive date of Mexican history, 1857, stands out in his administration. The deeds that make this time

great were the deeds of another. But in the respect of seeking to do the best for his country he was apparently sincere. Of too yielding a disposition for the sternly tumultuous times which he attempted to guide, and without faith in the ability of Mexicans to govern themselves, he vacillated and changed from one party to the other, from the "plan of Ayutla" to its exact opposite, the "plan of Tacubaya." Together with single hearted Alvarez, he fostered and fought for the "plan of Ayutla," whose pledge and promise was to give a permanent constitutional government to much governed Mexico. Upon that pledge and upon the retirement of Alvarez, he was made president. But he was moderate in his views and of a conciliatory temper, and radical changes and the rapid advancement of the measure proposed by the constituent congress of '56, distressed and alarmed him. The law of Juarez providing for great and needed reforms in the administration of justice by which for the first time all men should be equal before the law, had been sanctioned under Alvarez. But it had roused the fury of the clergy and church party by the abolition of "fueros," a class of especial tribunals confirmed by charter to the clergy and army, which had been their principal instruments of control over the masses. Comonfort went to Puebla and promptly quelled the outbreak there against this law. The right of the government to touch any part of the immense deposits of the church for its own expenses had been suggested as long before as '46. Gomez Farias, acting president, having then

proposed to borrow some funds from the church to carry on the war against the United States, it had again been proposed and had awakened the most rancorous passions. Still Comonfort acted upon the idea to the extent of decreeing the dispossessions of the church properties at Puebla because the clergy had instigated the visit. He took the money so procured to pay the expenses of the campaign. But when Juarez and the radical deputies brought forward and boldly discussed one new measure after another, he became more and more dismayed. It was indeed a time that tried men's souls. The stir of political strife, occasioned by these measures, was added to by the claim of the civil power to regulate such church matters as pertained to public order, not to the rights of devotion, and this was fanned into a whirlwind by the proposition to banish the Jesuits, who were felt to be the authors of all their woes, and to extinguish their company; and the disturbance was still further augmented by the exciting events of the times and by the publication of the new constitution which would guarantee religious and political liberty to all, and finally it burst into a veritable hurricane, when the intention was announced of carrying into effect that daring stroke of state policy—the confiscation of the enormous properties of the church, and making them over to the uses of the government. Then Comonfort was completely overcome. He declared that he had no hope at all that the country could be governed by such a constitution. He abandoned his posi-

tion and went over to the Revolutionists of Tacubaya, who aimed to set aside every attempted reform and make Comonfort dictator. That plan having failed, he left the country. But in 1857 the constitution had been accepted by the country—a lasting foundation laid for the future.

This result had been accomplished through the influence and firmness of Juarez and his compatriots. For the first time in her history a man had risen in Mexico who apprehended principles clearly, and who could and did from first to last, through heaviest discouragements and disappointments, disasters and defeats, abide steadfastly by those principles till they triumphed. Underneath the date of 1857 should always be written in golden letters the name of Benito Juarez (Uhares). It is not said that he made no mistakes, committed no excess, but it is said that if the other public men of Mexico had had his earnestness of conviction as to principles, his firmness and courage in maintaining them, the country could never have dragged out so many miserable years of self-consuming strife, but would long before have carved for itself a standing place and an honorable name among the peoples of the earth. Benito Juarez was born at Ixtlan of the state of Oajaca (Wa-ha-ca) of poor Indian parents, who, dying when he was three years old, left him an orphan. The ruins of an adobe hut in a ravine tangled with cacti and parasites, near that village, are all that now remains of the birthplace of Mexico's Washington. It is said that he lived with an

uncle till he was twelve years old, and it is well known that until then he could neither read nor write, and knew nothing beyond the tending of a few cattle. At that age he went to Oajaca, where he came under the patronage of Sr. Sala Nuevo, who treated the boy like a father, and assisted him to the accomplishment of his heart's desire, the best education then to be obtained. So diligent had he been in the use of these late opportunities that he was not behind other young men of his age when he decided to leave the study of theology, which he had pursued for a year, and take up that of law. At that time Oajaca was an educational centre, and the seminary where he had been first instructed gave all its influence to maintain the old order of things, the subjection of the people and the absolute rule of priest and king. But it had been invaded by the spirit of the age, and the questions which were to engage the energies of his life had early pressed upon the attention of the thoughtful student. The institute to which he now betook himself had been founded under the rising influence of the opposite opinions. Being of the people, and knowing himself to be every whit a man, Juarez believed in the people. His abilities were early recognized both in his college and by his state. In the one he was professor of canonical law, and in the other he held many important offices. His connection with national affairs began in '46, when he was elected member of the general congress. A year later he was governor of his own state. In that po-

sition, in which he continued for five or six years, he showed an administrative talent that made him known as a remarkable man. When Santa Anna assumed the direction of public affairs, for the last time, he had Juarez imprisoned and privately banished. But his opportunity was every day coming nearer. In '55 he found his way back from New Orleans to Alvarez, who had "pronounced for the plan of Ayutla." Upon the success of that plan, he was made secretary of justice under Alvarez. He seized this opportunity to issue the law since called by his name, abolished *fueros*, so establishing a primary right of man, the equality of citizens before the law and the right of trial. But Comonfort, who had succeeded Alvarez, did not approve of his course, and would gladly have seen the fanatical radical retired from public life. Nevertheless, Juarez was elected chief justice of the supreme bench, which made him at the same time vice-president. Then it was that he led his party in that long and intensely heated struggle which issued at length in the acceptance of the constitution of 1857, now became the organic law of the land. But sterner trials awaited him as the champion of its principles. When Comonfort fled and left the capital in the hands of the church party, who had instigated the "Plan of Tacubaya," Juarez quietly and firmly claimed his right to succeed to the vacant presidency. For safety he went to Queretaro (Ka-ra-ta-ro) where he issued a proclamation for reorganizing the government, and sought to raise

forces with which to successfully assert the supremacy of the constitution and laws. From there he went to Vera Cruz, where his claim was acknowledged by the United States. Weighted and tied as he was, his first acts bespoke his unchangeable aim. By his authority as president, he promulgated as laws the propositions so hotly discussed in congress in '56 and since added to the constitution, but not then accepted as a part of that instrument. "The laws of reform" secured religious liberty, established the independence between church and state, legalized civil marriage, declared the immense real estate of the clergy to be national property, and directed its sale, and also suppressed conventual establishments throughout the land.

This action naturally aroused the intense hate of the priesthood and church party against Juarez and the Liberal party. The bitterest struggle of these many years of strife ensued. It was not till 1861 that an election could be held. Then by an overwhelming majority and in accordance with the constitution, Juarez was made president. He set to work at once to restore and build up the waste places. The friends of reconstruction began to hope that a better day had dawned. But in '64 the church party, led by Miramon, had so far regained control as to be able to offer the crown of Mexico, somewhat tarnished by disuse, to Maximilian, archduke of Austria. All the world knows the fateful story of his short reign and its tragic ending. A gentle, gracious man, his cruel taking off will

always rouse an indignant sympathy and awake an indulgence for the intervention that its own merits could not claim. Doubtless Juarez and his chiefs thought the sacrifice of Maximilian a necessary measure of state, but their refusal to pardon or release the amiable prince will always be set down to their discredit. Had the life of the well meaning but too weak instrument of Napoleon been spared, there would have remained little else but ridicule for the attempt to set aside a legally elected president and form of government, and to establish a foreign and expensive monarchy upon the exhausted but volcanic soil of the Montezumas. Meanwhile Juarez, the Washington of his country, though silent, was not subdued. Pushed to the wall of the northern frontier by the French arms, he was deserted by all but a few guerilla troops who, in action, more often fled than fought. But still he was able to prove himself, though an almost intangible, yet an uncrushable enemy, and one who could calmly abide his time.

On the execution of Maximilian in '67, he again came forward to the support of his country. It was then borne down and weighted anew by an enormous debt of more than seventy-five million dollars. This debt Maximilian had contracted, at the expense of the country, for the maintenance of the empire. "When Juarez reentered the capital in power, it was amid the acclamations of the common people, but the senoras were clothed in mourning for the death of Maximilian, and the upper classes who had enjoyed the sunshine

of royalty remained shut in their houses."

But notwithstanding all opposition, this sincere patriot was able to have the former constitution restored. A general election was called, and congress declared the reelection of Juarez to the presidency. But he did not rule in peace. Dissatisfied chieftains excited insurrections against him, and revolutions continued to add their tragic effect to the scenic history of Mexico. Even up to the time of his death in '72, some of the northern provinces were unsubdued. But none of these things were able to move the inflexibility of his purpose, or to induce him to give up the task he had undertaken, for Juarez sought not his own but his country's wellbeing.

Such was his success that with this administration begins that subordination of personal ambition to the will of the majority, that supremacy of law that constitutes the nerve and substance of Federative government and in this moment, for the first time, may it be truly said to have triumphed in Mexico.

But what has been the outcome of this long contention between the Latin notion of governing for the benefit of the governor, and the New World idea of governing for the benefit of the governed? Is there any effective protection for the rights and liberties of men under the new order that the old law did not secure? How is the Mexico of to-day actually governed? As to the form of government these questions are easily answered, but as to its

practical workings they are not so easily defined. The constitution begins by declaring that it is "representative, Democratic, Federal." It asserts that the national sovereignty resides essentially and originally in the people, from whom springs all public power; that the republic is composed of states free and sovereign in all that concerns their interior regimen, but united in a constitutional confederation for mutual help and defense. There are twenty-seven of these states, one Federal district and one territory of Lower California. As with us, both the states and the general government have the administration of their powers divided into the three natural departments, legislative, judicial and executive. There is, however, no such width of division between the judicial and executive departments as in the United States. On the contrary, the chief justice of the supreme bench is at the same time vice-president, and in case of there being temporarily or absolutely no President, "he enters to exercise that power until a new election is accomplished." That is, in case of a vacancy, the chief justice becomes President. As in the United States, there are two chambers of the general congress. The lower house "is formed of individuals elected in their entirety, each two years, by Mexican citizens," one each for every forty thousand inhabitants or for a fraction thereof, that is, not less than twenty thousand. The senate is elected indirectly, or as with us, by the legislature, in the first instance, and renews itself by the half each two

years. It is intended that the election of the President shall be by popular and direct vote. His term is four years, and by recent amendments he is not eligible for a second term. His cabinet, all of whose members he is allowed to appoint and remove freely, is composed of six secretaries of state, called for further distinction: (1) Of foreign relations; (2) of government or public works; (3) of justice and public instructions; (4) fomento or interior; (5) estates and public credit, or treasury; and (6) of war and marine.

The secretary of state and foreign relations has charge of all foreign relations, the consulates, the delineation and the preservation of the limits of the Republic, the naturalization of foreigners, the recording of commercial houses and foreign companies, the legalization of signatures; he is also the depositor of the great seal of the nation, the keeper of the national archives, and has charge of ceremonial and official publications.

To the secretary of public works belongs the department of statistics, liberty of industry and labor, agriculture, commerce, mining exclusive privileges, internal improvements, including the supervision of highways, railroads, bridges, canals, light-houses, telegraphs, colonization, public lands, public monuments, exhibitions of public utility or ornamentation done under the patronage or at the cost of the national treasury, the preservation of the national palaces and all public buildings, and he has charge of geographical and astronomical surveys and observations,

scientific explorations and weights and measures.

The secretary of justice and public instruction has charge of the supreme, circuit and district courts, of the controversy that may arise between the Federal tribunals of cases of privacy, expropriations for public utility, codes, of the collection of laws and decrees of the judicial organization in the Federal district and territories, of the freedom of teaching, professional titles, national colleges, special schools, academies, and scientific, artistic and literary associations, libraries, museums, national antiquities, lawyers and notaries, and pardons.

The duties of the secretary of state, and of the interior, consists in supervising all general elections, national congress, constitutional reforms, territorial divisions and boundaries between the states. It is his duty to see that the constitution is enforced. He has charge of the relations between the executive and the different states, public tranquility, national guard, amnesties, civil register, right of citizenship, right of reunion (meetings), liberty of the press, liberty of religion, and the police of that department. He has charge of the public security and salubrity, the postoffice, the national festivities, epidemics, vaccination. He has also charge of the political government of the Federal district and its administration, the supervision of public benevolence, hospitals, asylums, prisons, penitentiaries, houses of correction, and public printing.

To the secretary of the treasury and

public credit belongs the administration of all federal revenues, tariff, of maritime custom houses, mints, loans and public debt, and the nationalization of church property.

The secretary of war and marine has charge of the standing army, the national navy, the national guard (when in the service of the government), the military and naval schools, military hospitals, military legislation, military colonies, judgments of court martials, letters of marque, the inspection of forts, quarters, arsenals, military stores and federal depots, and the wild Indians. It will be seen that the framework is much like our own, but when we examine beyond that we find provisions against dangers that we never encountered, and restrictions upon activities of which we have had no experience. It is Spanish fruit grafted on North American stock. The constitution guarantees free instruction, the exercise of the professions, the free expression of thought and the inviolable liberty of the press, with only such restrictions as those that morality and the rights of private life and the public peace prescribed. It does not recognize "the rights of judgment by the private laws and especially tribunals." Before this pregnant sentence fell the assumption of the church to set aside and overrule the authority of the state whenever that authority conflicted with its own. It was the sword that cut, with many another oppressive bond, the chains of fear by which the inquisition in all its force had been maintained in the new

world. Again it is with reference to the cruel methods by which the church enforced its authority, which methods had naturally crept from church to state, that it "prohibits the penalty of mutilation and infamy, of branding or of stripes, and of torment of all kinds." It was in order to cut other fingers of the hand that held Mexico in its relentless grip that it was declared "that no civil or ecclesiastical corporation can have the right to acquire real estate in ownership, or to administer upon the same, except for the direct purposes of the institution, as in the case of a church which may be held for worship only." And it was again to cut off entirely the the same hand, that would not loose its suffocating hold upon their throats, that the Mexicans added to their constitution the declaration of "the liberty of all religions, the right of the country to appropriate the real estate of the clergy and that marriage shall be a civil contract," and "that the existence of monastic orders cannot be permitted, whatever may be the denomination or object with which they pretend to be erected." Whatever may be our judgment of the abstract right of these measures, there can be no question of the great relief which they have actually afforded Mexico. The simple matter of legalizing civil marriage has been an immeasurable benefit, how great we could hardly understand without knowing that the system of peonage was heavily enforced and strengthened by the obligation to be married by a priest. A peon's wages were, according to his occupation,

forty, eighty or one hundred and twenty dollars a year. He was severely bound by law to work out to his master any debt which he incurred by spending more. The priest usually charged five or six dollars for the marriage ceremony, two or four dollars for the baptism, which was sure to be necessary not long afterward, and eight or ten dollars for the funeral services and masses for the dead, which in their large ill-cared for families were likely to be wanted not infrequently. As the utmost economy would not have enabled the laborer to lay aside these sums, the master must always advance them upon his wages. So that, if the poor wretch ventured upon any domestic events at all, he stood no manner of chance of escaping from the legal encumbrances of his skillfully contrived bondage. Perhaps, also, it would be impossible to prove the abstract right of the state to appropriate the property of the church. But at the time that Rerdo de Tejada brought in this bill it had become a pure necessity. It was needful to self-preservation so to release some of the incredibly vast monied and landed possessions of the Romish church to the use of the country. "Commerce was languishing, industry was agonized, immorality in all parts was at a climax, misery was general, a mortal desperation had invaded the spirit." Nevertheless, Juarez had only been able to carry forward this measure against the dense religious prejudices of his countrymen, upon the singular but adroit plea that "the state in its hour of need must ever be the chief

pauper." Nor was this all, but also the situation was much like that of our government in its crisis against slavery. Had freedom waited till the abstract right of our United States government to liberate the slaves been demonstrated, she would have been waiting still, but when it became a matter of self-defense, when it was "do this or perish," the knot was cut. So with Mexico. It was not alone that these resources were bitterly needed, but also that the ground must be taken from under the feet of the power that stood and fought so stubbornly against all progress in liberty. It was the only means of saving herself alive and crippling the foe.

The letter of the new law then cuts off the abuses of "African slavery, colonial restrictions and ecclesiastical monopolies," all of which Mexico had to struggle against before she could occupy the standing ground of common liberty. It opens the door to all the progress of which this long enduring nation may hereafter show itself capable. At the same time we are not surprised to know that this instrument is not as yet entirely carried out, nor its possible good effects fully realized. The habits of centuries are not so easily changed, the character of a nation is not so suddenly recast. It is true there are elections, but not one-third of the people ever vote at all, and the balloting of those who do is controlled by the army. With the exception of the Mayas of Yucatan, and the Zapotecs of Oajaca, always more intelligent than the northern tribes, the Indian races, as a body, cannot be induced to

take any interest whatever in an election. Why should they? In the peon, hope, never a very active Indian virtue, has long been benumbed by stolid endurance. So long as the country of his forefathers is governed by whites, be they Spaniards or be they Creoles, an election is none of his affair. It belongs to a world above his own, it is a changing of seats among the gods, that brings no change of masters, and but the slightest alleviation of his lot. There are about two million Spaniards, Creoles and foreigners in whose hands is the entire control of the country. But even these have not yet learned to vote without the commanding presence of the army, perhaps because their leaders have not permitted them to try the experiment. There is always a fresh gathering of troops about the large cities before an election. The roads leading to them are patrolled and gentlemen coming in whose influence and vote might prove contrary to the candidate who intends to be elected, are liable to be politely but urgently detained outside the city till the election is over. But should such an one, or any number of others, gain access to the polls, it would not make the least difference in the result. They do not "repeat," that is too laborious. They do this thing better in Mexico, or at least more easily. They simply fill out, by imagination, the number of votes belonging to the district, and announce the result they had intended to secure. An English gentleman said that, being in one of the large interior towns on the day of election, he took his post on the balcony of his

hotel in sight of the ballot box, at six in the morning. He had chocolate brought to him and did not go away till after six in the evening. He counted every vote. There were not two hundred cast. Just the same the papers throughout the country announced the result in that town as seven hundred votes for one candidate, and eight hundred for the candidate predestined to election. So late as December of '81 the *Monitor* of Mexico complains sadly of the "electoral farce," an example of which had just been furnished by the election of magistrates for the supreme bench. The editor calls it a "*simulacre* of election that respects the formulas of our system while it burlesques the principles." The men, he says, who have command of the situation arrogate to themselves all the rights, and the people remain impassive. Perhaps there are not any polls, but if there are, not even the flies stop there. Yet the list of scrutiny will attribute hundreds of thousands of votes to the individual designed by the president. He energetically charges this state of things upon the eternal laziness of the people and declares that if they cannot be aroused to their duty, the function will have to "be suspended." But on the other hand, it is undeniable that the country has made more advancement in the twenty-five years since the acceptance of the new law, than in any whole century of its previous existence. Pronunciamientos have gradually diminished in force and frequency." Practically the president, by the aid of the army, governs the country. His powers are more

ample than those permitted to the President of the United States, and custom supports him by the exercise of even more control than the law allows. Where his personal control and the presence of the army extend, there the laws are to a reasonable extent enforced. Property and even life are usually more secure in the cities than in towns of the same size in the United States. But this is due in part to the oriental manner of house building, which makes a man's house his fort, and in part to the natural indolence of the people which forbids them to exert themselves very much even to commit theft or murder! But where no troops are stationed, there the president is powerless. Over wide mountain areas of thinly settled country, the people are really subject only to the influence of a distant *padra* or magistracy. Such districts are often most peaceful, but again are the natural habitats of brigands and revolutions; the terror and reproach of Mexico. Owing to the composition of the army, this dependence upon it for the enforcement of the common law is particularly dangerous to the wellbeing of the country. Its ranks are often recruited from the laborers in the field in the Falstaffian manner, or with assistance of a *lassoo*, or worse still, from the petty criminals of the cities. If a man is caught stealing chickens or taken in a street brawl he is sent to serve a term in the army. No one will suppose that such an army can be animated by loyalty, or be surprised to know that in the crisis of battle the troops often desert to the side that

promises the best pay. But nevertheless the acceptance of the new decree has opened and prepared the way for all growth. It is undeniable that the country has made more advancement in the quarter century since 1857 than in any whole century of its previous history; and it has changed more in the last ten years than in all the three hundred years of its Spanish dependence. The progress of the last decade is due in great part to the opening of the Mexican railway which took place in 1872, our last significant date. Beside the direct and practical assistance which railroads afford to the occupations of men in all departments of life, they are an embodiment of invisible force, a bond of unity and an ever present object lesson on law and order, whose influences can not be overestimated. In the last days of Santa Anna's dominion, he contracted with an English company to build a railroad from Vera Cruz to Mexico City. The road was begun in 1857. Through all the overthrows by revolutions and by the intervention which the seat of power has since suffered the government, or whoever occupied that seat when it was set upright on its legs, has always confirmed the contract made by him and the subventions promised have eventually, though not always promptly, been paid, owing to the extraordinary difficulties of the route and to delays from political disturbances, and the plan of building the road from both ends at once, by which heavy sums were paid for packing rails over the mountains to lay them down at the upper end. This

little but remarkable road of two hundred and ninety-three miles was sixteen years in the building, and its cost was over thirty-six million dollars. When the last rail was laid the Mexicans fired cannons and gave out the sweetest clangor of their great bells to the rejoicing air. And well they might, for over those steel rails that sometimes rise so high as to pierce the clouds, have come in upon them the tide and impulses of modern activities, that has quickened and increased all their resources of life. In this decade pronunciamientos have diminished in force and frequency till for the last five or six years there has been no political disturbance of any consequence. Exclusiveness, that child of the Spanish—of hatred and fear of the foreigners—bigotry—have yielded, in some measure, to the knowledge that immigration is a necessity for a country whose own recuperative strength is slight, and that freedom of worship is a political as well as a spiritual benefit. In this period free schools have been multiplied and the postal service has greatly enlarged the number of its offices and cheapened the rates of carriage. Other railways that connect the Mexican capital (incomparably the most beautiful city for situation on the North American continent) with the main cities of the United States are being rapidly brought to completion.

Telegraph and cable wires have been laid, and for the first time in her history a national bank with agencies at the principal cities has been established. Many new manufactures and agricultural enterprises have been under-

taken. Mining has resumed and surpassed its ancient profitableness. This will be seen from the single fact that the highest yield of the mines in any year of the colonial period was in 1805, \$27,165,888. In 1880 it amounted to \$350,000,000. A full and constant flow of immigration has set in. "Every barque comes charged with colonists." The hotels are full to overflowing with parties traveling for pleasure and for business, a large proportion of whom are Americans who are especially welcomed. Indeed, the past being forgiven, there is a marked change in the feeling of Mexico toward the United States, to which, probably, nothing has more contributed than the missions of the American churches. These have assured the people of the right feeling of the better part of the United States toward them. Now they turn with amity to this nation as to a strong and helpful neighbor. There is no better evidence of this change than the proposition which they have made for a reciprocity treaty with the United States, which shall do away with the restrictive tariff that have so long kept down and cramped the business relations of the two countries. It would seem to be our part to show a like generosity, and to extend to them such encouragement and help as will enable them to carry into effect their present resolutions to increase their commerce with ourselves and other nations, to improve their schools, to have civil and religious liberty, and to know God's truth for themselves.

The present government officers of

Mexico (1886) are as follows: President, General Porfirio Diaz; minister of relations, Ignacio Marsscal; minister of war, Pedro Hínjosa, minister of government, Manuel Romero Rubio; minister of Hacisudar (interior), Manuel

Dublán; minister of justice, Joaquín Baranda; minister of fomento, Carlos Pacheco; minister of treasury, Francisco Espinosa; minister of postmaster general, Francisco Gochicoa.

E. P. ALLEN.

SKETCHES OF WESTERN CONGRESSMEN.

III.

GENERAL CHARLES H. GROSVENOR.

AN enumeration, in any form, of the men in this generation who have won honor and public recognition for themselves, and at the same time have honored the state to which they belong, could not be complete without reference to the one whose name is given above. In the field, at the bar, in the halls of legislation and on the hustings, General Charles H. Grosvenor has for years been a force, and a force in the right direction. With convictions of an intense nature, and yet no bigotry, he has spoken out in many ways for that which he believed to be right, and his voice has been heard and heeded by others. Making no claim to be better or greater than others, he has proved the right of leadership, and has tried to make his party and his politics but avenues through which he might work for the country's good.

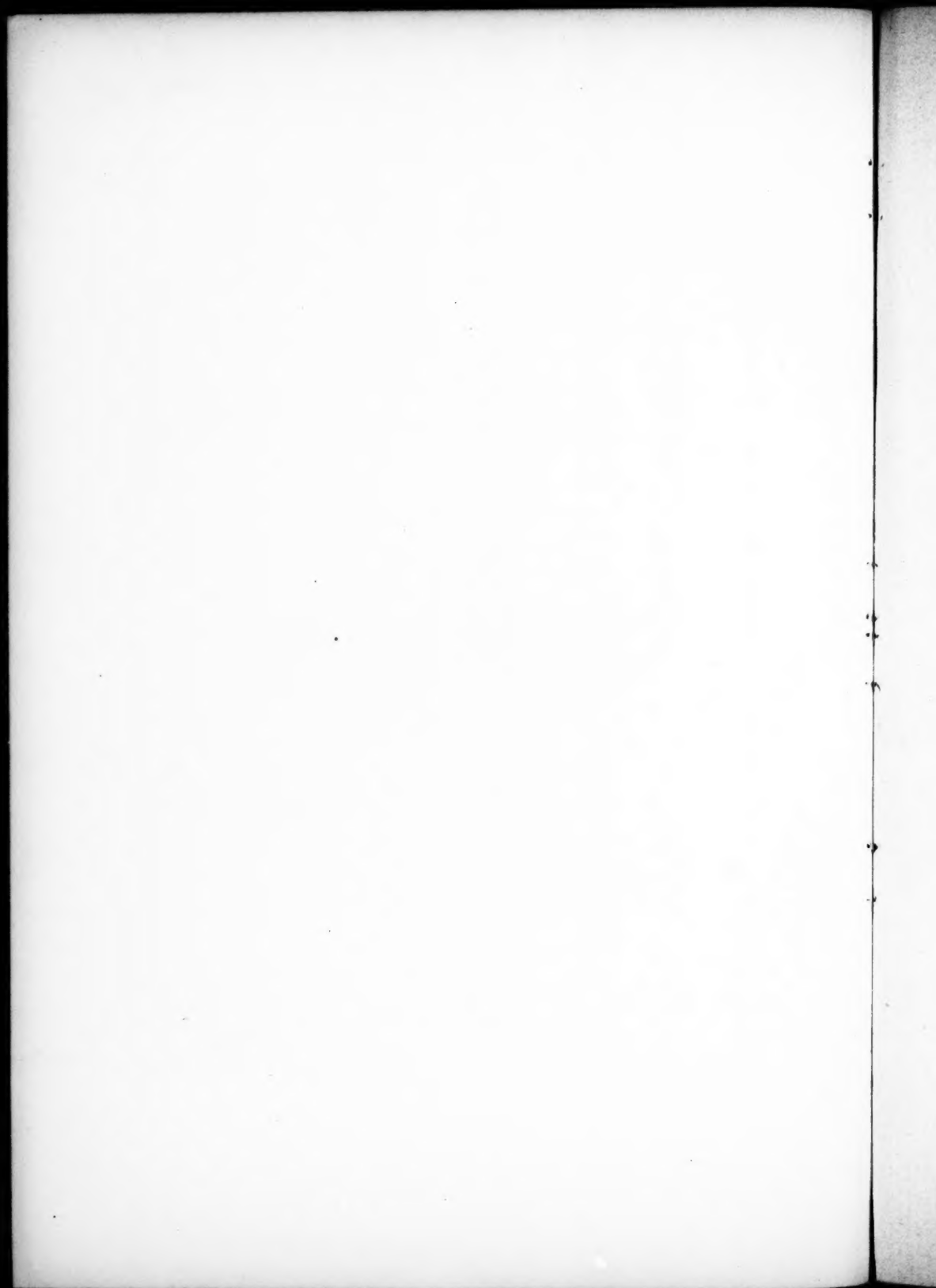
The family to which General Grosvenor belongs is one of the earliest among the settlers of New England. John Grosvenor, the founder of the

family in America, died at Roxbury, Massachusetts, in 1690, leaving six sons from whom all of that name now in the country are believed to have descended. One of the descendants of this pioneer, Thomas Grosvenor, the grandfather of the subject of this sketch, was a soldier in the War of the Revolution, serving on General Washington's staff, with the rank of colonel. In later life he became distinguished as judge of the circuit court of Connecticut, and was also for several years a member of the governor's council. His son, Peter Grosvenor, removed with his family to Athens county, in 1838, where he located and made for himself a home. He was a man of fine natural qualities, and had fought in the service of his country in 1812. At the time of their removal to the new west, Charles H. was but three years of age, having been born at Pomfret, Windham county, Connecticut, on September 20, 1833. His early education was received in the schools of Athens county, "supplemented," as one



Western Biogr. Pub. Co.

C. H. Grosvenor



writer has truthfully said, "by private study, in which his mother, a lady of marked character and intelligence, afforded him great assistance; and it is, no doubt, due in a large measure, to her assiduous care in directing his early education that many of those rare qualities that have since distinguished him in public life were developed." He was thrown upon his own resources at an early age; and after the plan followed by so many of our eminent men, when in search for the means for a more extended education, went into the schoolroom when secure in the English branches and taught others. With the means thus secured, he added to his own stock of knowledge as he could, and was finally able to enter upon the career toward which his purpose and aspirations had long tended. He began the study of law under the direction of Hon. Lot L. Smith, reading as he could while teaching school, attending store, and working on a farm. He was admitted to the bar at Athens in 1857, and at once entered upon practice. In 1858 he formed a partnership with Hon. S. S. Knowles, that lasted until the breaking out of the war. The firm was one of the foremost in Athens county, and from the first the young lawyer proved himself the possessor of those strong qualities and clear powers of reasoning that have been among the marked characteristics of his mature years.

On the breaking out of the War of the Rebellion, the spirit that had stirred his grandfather in 1776 and his father in 1812, was at work within him, and he was among the first to offer his services

in his country's defense. He enlisted as a private soldier and shouldered his musket with the rest. He was promoted to major, and in 1863 was again promoted to a lieutenant-colonelcy. He was a brave and true soldier, doing his duty wherever it was found, and ready at all times to give himself in any way to the Union cause. At the battle of Nashville, he was in command of a brigade, and for gallant service on the field was recommended for promotion by General James B. Steadman, whose recommendation was thus endorsed by General George H. Thomas: "Respectfully forwarded, and earnestly recommended. Lieutenant-colonel Grosvenor has served under my command since November, 1862, and has on all occasions performed his duties with intelligence and zeal." In response thereto he was breveted colonel and brigadier-general; and in April, 1865 he was raised to the full rank of colonel, with the brevet title of brigadier-general.

On the conclusion of the war, General Grosvenor returned to Athens, and resumed the practice of his profession, to which he has since industriously given himself, except on such occasions as he has been in the service of the public. The first legal firm to which he belonged on his return home was that of Grosvenor & Dana, his partner being J. M. Dana, esq. This connection lasted for nearly fourteen years. He then became a partner of the law firm of Grosvenor & Jones, at Athens, and Grosvenor & Vorhes, at Pomeroy, the latter firm coming into being in 1868.

General Grosvenor has always been

a Republican, not merely in name but as a matter of principle, and because he has studied out the matter for himself and believes that he has a firm and sure foundation for his faith. He has always been a leader in the politics of this section of the state, and for the last twenty years has been high in the councils of his party, both in state and in nation. One soon comes to view him as a party leader who can be trusted. To a courage that nothing can shake, he unites a degree of prudence that is almost phenomenal. He can forecast the outcome of events with admirable sureness, and is a true reader of the mind of the people. He never makes mistakes that lead those who follow him into disaster. While he believes in reform in its truest sense, and the application of high principle to party and public affairs, he still takes note of the exigencies of the situation, and does not seek to force action or legislation beyond a practical point. As a debater and parliamentarian he has no superiors, and as a political platform orator his services are in demand the country over. Thus equipped by nature and experience for public life, he has been again and again called to public service. On his return from the war he was nominated by the Republicans for the state senate, but the political strength of his district was on the other side in that year, and he was not elected. In 1873 he was elected to the Ohio house of representatives from Athens county, and was one of the most useful and hardworking among the members of the general assembly. He was a member

of the committee on judiciary, that on insurance, and on revision, and was also made a member of the select committee to investigate the public works, and one on express and telegraph companies. In 1875 he was reelected to the house, and such had been his record, and such was the growth of his popularity, that he was made the speaker of the house during his second term and served with signal ability. As has been well said of his legislative career: "As as a legislator General Grosvenor made an exceptionally high record. His great oratorical powers, united with indefatigable industry, and a remarkable conception of requirements, rendered him a formidable antagonist in debate. A Republican of the pronounced type, he was jealously watchful of the interests of his party, as many of his speeches attest. His speeches are replete with sentiment and sound logic, and the manner of their delivery forcible and convincing."

General Grosvenor has ably filled a number of purely political missions in the interest of his party. He was a presidential elector on the Grant ticket in 1872, and was selected by the Ohio authorities to carry the returns to Washington. He was an elector-at-large for the Ohio Republicans in 1880, and made over seventy speeches during the campaign in favor of Garfield and Arthur, speaking in five states. On the election of these gentlemen, after the Ohio electoral college had cast its vote, a proposition was made in that body to visit General Garfield at Mentor. The visit was made on December 2, and General Grosvenor was selected to deliver the

address of congratulation, which he did with rare felicity and a manly directness that went to the heart of the President-elect.

The most recent public labor of General Grosvenor for his party and the people was by his service as a member of the National house of representatives. He was nominated for congress by acclamation by the Republicans of the present Fourteenth district of Ohio, in 1884. The five counties composing that district had given Governor Foraker some thirty-two hundred majority the year before, but on this occasion General Grosvenor carried them by the magnificent majority of five thousand seven hundred and twenty-eight. He received the largest majority ever given to any candidate for congress in Athens, his home county. On March 1, 1885, he took his seat in Washington, where he became a member of the committee on rivers and harbors. He gave an admirable service on that committee, and those who know him and his influence among men, need not be told that he earnestly and successfully worked for the best interests of Ohio while in that important position. The new district was made, or rather the old one restored, and he found himself in the present Fifteenth district, and in that he was recently renominated for congress by acclamation. Such endorsement is of a character of which any man can be proud, yet it is only a deserved tribute and an honor that has been well earned.

General Grosvenor is often in demand in states other than Ohio, when the party to which he belongs finds itself in need

of close and hard work to win the day. He always responds when his business will permit. As an illustration of his manner of response and labor for others in such emergencies, I take the liberty of reproducing this account of one campaign in which he took an effective part: The Maine campaign of 1879 has been reverted to as the "greatest speaking campaign of modern times." At its inauguration most of the Republicans considered the state hopelessly Democratic—a conclusion forced upon them by the fact that the Democratic-Greenback majority in the state the year previous was fully thirteen thousand votes. The Hon. James G. Blaine and other distinguished Republican leaders in that state appreciated the need of effective speakers for that campaign. Mr. Blaine dispatched a very urgent request for the services of General Grosvenor. He accepted the invitation and left Ohio for Maine August 10, and spoke at Portland on August 13. He spoke in all thirty times, his stay covering a period of several weeks, in which he fully vindicated his reputation as one of the most eloquent and popular orators of the day—an orator from the people's own heart. Some of his platform addresses during that tour have been pronounced by competent authority as among the finest ever heard in American politics. The following brief extract from one of them will give some idea of the mental and moral force and tone of his thought, and his eloquent and direct manner of statement. "I appeal to you," he said, "that you stand by the record this grand old Pine-

tree state has made since 1861. I appeal to you that you go not back upon the record you made in war. I conjure you, by the pride you have in your past, in making the history of the great rebellion, you do not undo the results your gallant dead lost their lives to achieve. Could they to-day look down upon these scenes of political strife, and hear the bitter utterances of the Blackburns and Stephensens of the late rebellion, from that 'eternal camping grounds' where their 'silent tents are spread,' they would join me in this appeal. You owe something to the glorified dead of your proud state. Stand by the record this state has made in the councils of the Nation in all this long night of reconstruction and restoration of national credit. Stand by the men of your state who, in congress and cabinet, have shed unfading luster upon your name. To your state has been assigned more than once in congress the post of leader, when great questions have been met and settled. To the strong and unerring statesmanship of your sons, and the audacious but patriotic and wise leadership of the peerless plumed knight of the gallant old state of Maine, the people of this country owe a debt they cannot pay."

The characteristic incident growing out of his services during the war, so well attests the patriotic and unselfish nature of his devotion to that cause, that I cannot resist the temptation to touch upon it here. And the story can be told in no better way than to reproduce the letter in which General Grosvenor with a generosity very unusual in these times, returned to the government

nearly five thousand dollars in cash—not because it was not legally and morally his, but because he was able to live without the aid of the government and would not take advantage of its offer unless in actual need thereof. The letter is that of an honest man and patriot, and is in full as follows:

ATHENS, OHIO, December 23, 1882.

COLONEL W. W. DUDLEY, Commissioner of Pensions—*Dear Sir*: It is said in the special news from Washington in the newspapers that my claim for invalid pension, No. 405,657 has been allowed, and that the arrears amount to \$4,679. I have not received the check, but answer the report to be true.

In 1880, a few days before the time fixed by law for filing claims had elapsed, rising from a terrible attack of a malady with which I have suffered greatly since the war, I applied for a pension. The injury to my shoulder caused by a railroad accident during the war, which has been steadily growing more and more alarming, suggested permanent incapacity for work with my pen, while the other affliction had long since been pronounced incurable. Hence, as a matter of precaution and duty to those dependent upon me, I made the application. I did it for safety alone, not intending to follow it with proof unless my necessities drove me to it. In June, 1881, after my application had been on file a year, and up to which time I had done nothing to push it, a newspaper published of me and this application a charge clearly made by innuendo that the claim was fraudulent and the application false. The publication was made by an open and bitter enemy, and with open and avowed intention to ruin me. Moreover, he placed in the pension office a charge and notice to the government that the claim was a false one, and ought not to be granted under these circumstances. I had no choice but to offer such evidence as I had to support the claim. In June last I handed you such proof, and thanks to your very great kindness, immediate action was had. My army record was searched and found to be without a blemish. I was subjected to a careful examination by a medical board of skillful, honorable examiners. The result was the allowance of the claim upon the highest grade of disability not accompanied by the loss of limb or eye.

Thus my position in the matter has been vindicated.

cated, the honesty of the claim established, and that which is worth more than money to my children—my good name—left unaffected.

But I am not poor, and while I have worked much of the time since the war in great weakness, and often extreme suffering, I have been able to do a great deal of work in my profession, and have up to this time succeeded in supporting my family and promoting the education of my children.

I do not know how long even this ability will last, but for all the time which is past I will not take the pension. I therefore beg of you to take such steps as may be necessary to so cancel this check for arrears as will bar the right to any future recovery, and thereby cancel that much of the obligation to me the government has so generously undertaken. With thanks for the kindness shown me by yourself and Major Clark, deputy commissioner, and with assurance of my high esteem for both, I am your obedient servant,

C. H. GROSVENOR.

From all that has gone before, some idea of the personality of General Grosvenor can be gained. His natural powers have been strengthened by an unusual experience and a wide acquaintance with public men the country over. What he is in public life,

he is in private life. Thoroughly in earnest, and believing whatever he does believe with all the strength and warmth of an intense nature, he does not always touch men tenderly, but strikes from the shoulder when there is striking to be done. His friendships are many and warm, and his loyalty to those who trust him is of the absolute kind. When the contest with a foe is over, no man can be more generous than he, and he does not carry political enmity into private life. Warm-hearted and generous in his social relations, he is loved best by those who know him best.

General Grosvenor was married on December 1, 1858, to Samantha Stewart of Athens county, who died on April 2, 1866, leaving one daughter. He was again married on May 21, 1867, to Louise H. Currier, also of Athens county.

HENRY K. JAMES.

FIFTY YEARS OF WISCONSIN HISTORY.

[Continued from Vol. IV., pp. 828-838.]

II.

WISCONSIN AS A STATE.

Of the five states formed out of the territory lying northwest of the Ohio river, bounded on the north by the Great Lakes and on the west by the Mississippi, the last to be admitted into the Union was Wisconsin. The geographical outlines of the state are easily understood. It has Minnesota and Michigan on the north; the state last-mentioned on the east; on the south, Illinois, Iowa and Minnesota; on the west, the two last-named states. Except on the south, its boundary lines are nearly all water lines. It has Lake Michigan on the east; on the north-east and north, Green bay, Menominee and Brule rivers, Lake Vieux Desert, the Montreal river, Lake Superior and the St. Louis river; and on the west, the St. Croix and Mississippi rivers. Its land area is 53,924 square miles; and, in respect to size, it ranks with the other states as the fifteenth. It is known as one of the North Central states east of the Mississippi.

When admitted as a state the extent of Wisconsin was not made identical with the Territory, the history of which has previously been given. The western boundary, as defined by the consti-

tution, was so far to the eastward as to leave out a full organized county, with a sheriff, clerk of court, judge of probate and justices of the peace. A bill had been introduced, at a previous session in congress, to organize a territorial government for Minnesota, including the region not taken in on the admission of Wisconsin, but it failed to become a law. Thereupon, John Catlin, who was secretary for the Territory of Wisconsin when it became a state, issued a proclamation as acting governor for the district left out, ordering an election for congressional delegate. H. H. Sibley was the successful candidate, and he was admitted to a seat on the floor of the house of representatives. This facilitated and hastened the passage of a law for the creation and organization of Minnesota Territory.

It was twenty-one days previous to the date of Wisconsin being admitted into the Union, that the first election was held, not only for state officers but for members of the legislature and congress. This was on the eighth day of May, 1848. The constitution provided for the election of a governor, lieutenant-governor, secretary of state, treasurer,

and attorney-general; it divided the state into nineteen senatorial and sixty-six assembly districts (in each of which one member was elected), and into two congressional districts) in each of which one member of congress was elected).* The first legislature, in joint convention, on the seventh of June, 1848, canvassed the votes given on the eighth of May for state officers and the two representatives in congress, and on the same day the former were sworn into office, as follow: Nelson Dewey, governor; John E. Holmes, lieutenant-governor; Thomas McHugh, secretary of state; Jairus C. Fairfield, treasurer; James S. Brown, attorney-general. The members elected to congress were: For the first district, William Pitt Lynde; for the second district, Mason C. Darling.

The first important business of the first legislature† was the election of two United States senators. The successful candidates were Henry Dodge and Isaac P. Walker.‡ The constitution vested the judicial power of the state in a supreme court, circuit court, courts of probate, and justices of the peace. The circuit judges were also judges of the supreme court. The state was divided into five judicial

* The senatorial and assembly districts have been increased from time to time until there are now thirty-three of the former and one hundred of the latter—the maximum allowed by the constitution.

† There have been forty-two sessions of the legislature—thirty-six regular, and the residue adjourned or extra sessions.

‡ Besides these two senators, there have since been elected—Charles Durkee, J. R. Doolittle, T. O. Howe, M. H. Carpenter, Angus Cameron, Philletus Sawyer and John C. Spooner, the two last named being now (1886) in office.

recuits. Edward V. Whiton was chosen judge of the first circuit; Levi Hubbell, of the second; Charles H. Larrabee, of the third; Alexander W. Stow, of the fourth; and Mortimer M. Jackson, of the fifth circuit. § By a provision of the constitution, the legislature was given power to provide bylaw, if they should think it expedient and necessary, for the organization of a separate supreme court. This was done in 1852. E. V. Whiton was elected chief-justice; Samuel Crawford and Abram D. Smith, associate justices. There are now four associate justices. The following gentlemen constitute the court at the present time: Orsamus Cole, chief-justice; William P. Lyon, Harlow S. Orton, David Taylor and John B. Cassody, associate justices. On the twelfth day of June, 1848, Andrew G. Miller was appointed by the President of the United States, district judge of the United States district court for Wisconsin. ||

By the qualifications of all of the before mentioned officers, and the entering by them upon the duties of their respective offices, the state of Wisconsin started upon its successful career, the recital of which, to the present time, will now be briefly attempted; but first, the better to understand the country wherein

§ These circuits have been increased in number until there are now fourteen.

|| In 1870, the state was divided into two districts—the eastern and western—Andrew G. Miller remaining judge of the first named, while James C. Hopkins was made judge of the last. The successor of Judge Miller was James H. Howe and his successor, Charles E. Dyer, now in office. Romanzo Bunn, the present judge of the western district, succeeded Judge Hopkins.

is to be laid our story, let us take a bird's-eye view of its topography.

The surface features of Wisconsin presents a configuration between what is mountainous on the one hand, and a monotonous level on the other. The state occupies a swell of ground lying between three notable depressions: Lake Michigan on the east, Lake Superior on the north, and the valley of the Mississippi on the west. From these depressions, the surface slopes upward to the summit altitudes. Scattered over the state are prominent hills, but no mountains. Some of these hills swell upward into rounded domes; some rise symmetrically into conical peaks; some ascend precipitously into castellated towers; and some reach prominence without regard to beauty of form or convenience of description. The highest peak in the southwest part of the state is the West Blue Mound; in the eastern part, Lapham's Peak; in the central part, Rib Hill; in the northern part, the crest of the Penokee range. The drainage systems correspond, in general, to the topographical features before described. The face of the state is the growth of the geologic ages furrowed by the tear-drops of the skies.

Wisconsin started out as a Democratic state: all the state officers were Democrats; both members of congress were Democrats; and the first legislature was largely Democratic in both houses. The Whig element, nevertheless, was not to be despised; for Dewey's majority as governor, in a vote of more than thirty-three thousand, was only five thousand and eighty-nine over John H.

Tweedy. Of course, both the United States senators were Democrats. But before the Presidential election of 1848, there were three organized political parties in the state: Whig, Democrat and Free-soil—each of which had a ticket in the field. Although the Democrats carried their Presidential electors,* the Free-soilers elected Charles Durkee to represent the first district in congress (there were then three congressional districts); the Whigs, Orsamus Cole, to represent the second district; and the Democrats, James Duane Doty, to represent the third district.† As a significant tendency of the sentiment of Wisconsin against the spread of slavery, it is proper to notice the fact that on the last day of March, 1849, a joint resolution passed the legislature instructing Isaac P. Walker to resign his seat as United States senator, for "presenting and voting for an amendment to the general appropriation bill, providing for a government in California and New Mexico, west of the Rio Grande, which did not contain a provision forever prohibiting the introduction of slavery or involuntary servitude" in those Territories. The senator refused to regard these instructions.

At the general election held in November, 1849, Dewey was reelected

* There have been ten Presidential elections since Wisconsin was admitted as a state. Her electoral votes have been cast as follow: For Lewis Cass, four; Franklin Pierce, five; John C. Fremont, five; Abraham Lincoln, five; U. S. Grant, eight; U. S. Grant, ten; R. B. Hayes, ten; James A. Garfield, ten; James G. Blaine, eleven.

† The congressional districts have been increased in number until there are now nine.

governor by very nearly his previous majority; his second term included the years 1850 and 1851. His administration of the affairs of state for the three years and a half in which he served as governor was looked upon by the people generally with favor.

The first year of Wisconsin as a state was one of general prosperity to its rapidly increasing numbers. The second year developed in a large ratio the productive capacity in every department of labor. The third year (1851) to the agriculturist was not one of great prosperity, owing to the partial failure of the wheat crop. The state, too, was visited by cholera, not, however, to a very alarming extent. The Federal census showed a population of 305,391, an astonishing increase of nearly ninety-five thousand in two years.* Many were German, Irish and Scandinavian, immigrants but the larger number was from the eastern and middle states of our Union.

The Democratic and Whig parties at the general election in the fall of 1851 were nearly equally divided. The Democrats elected all the state officers except governor; Leonard J. Farwell, Whig, was chosen for that office over D. A. J. Upham, Democrat, by a majority little rising of five hundred. During Farwell's administration (1852 and 1853) the citizens of Wisconsin

enjoyed unusual prosperity in the ample products and remuneration of their enterprise and industry. The encouraging prospects of these two years were abundant harvests and high markets; an increase in money circulation and the downward tendency of the rate of interest; a prevailing confidence among business men and in business enterprises; a continual accession to the population of the state by immigration; the awakening of considerable interest in proposed railways; the extension of permanent agricultural improvements; and the rapid growth of the various cities and villages.

On the twenty-sixth of January, 1853, William K. Wilson of Milwaukee, preferred charges in the assembly against Levi Hubbell, judge of the second judicial circuit of the state, of divers acts of corruption and malfeasance in the discharge of the duties of his office. A resolution followed, appointing a committee to report articles of impeachment, directing the members thereof to go to the senate and impeach Hubbell. Upon the trial of the judge before the senate, he was acquitted.

The fourth administration (1854-1855) in Wisconsin was Democratic. The Democrats not only elected their candidate—William A. Barstow—governor, but the whole state ticket.

In the early part of March, 1854, a fugitive slave case greatly excited the people of Wisconsin. A slave named Joshua Glover, belonging to B. S. Garland of Missouri, had escaped from his master and made his way to the vicinity of Racine. Garland, learning the where-

*The census, both Federal and state, since taken at the decades noted, shows the following population: 1855, 552,109, state census; 1860, 775,881, Federal census; 1865, 868,325, state census; 1870, 1,054,670, Federal census; 1875, 1,236,729, state census; 1880, 1,315,480, Federal census; 1885, 1,563,423, state census.

abouts of his personal chattel, came to the state obtained on the ninth, from the district court of the United States, for the district of Wisconsin, a warrant for the apprehension of Glover, which was put into the hands of a deputy marshal. Glover was secured and lodged in jail in Milwaukee. A number of persons afterward assembled and rescued the fugitive. Among those who took an active part in the proceeding was Sherman M. Booth, who was arrested therefor and committed by a United States commissioner, but was released from custody by Abram D. Smith, one of the associate justices of the supreme court of Wisconsin, upon a writ of *habeas corpus*. The record of the proceedings was thereupon taken to that court in full bench by a writ of *certiorari* to correct any error that might have been made before the associate justice. At the June term, 1854, the justices held that Booth was entitled to be discharged, because the commitment set forth no cause of detention.

Booth was afterward indicted in the United States district court and a warrant issued for his arrest. He was again imprisoned, and again he applied to the supreme court of the state—then, in term time—for a writ of *habeas corpus*. This was in July, 1854. In his petition to that court, Booth set forth that he was in confinement upon a warrant issued by the district court of the United States, and that the object of the imprisonment was to compel him to answer an indictment then pending against him therein. The supreme

court of the state held that these facts showed that the district court of the United States had obtained jurisdiction of the case, and that it was apparent that the indictment was for an offense of which the federal courts had exclusive jurisdiction. They could not, therefore, interfere, and his application for a discharge was denied.

Upon the indictment, Booth was tried and convicted, fined and imprisoned, for a violation of the fugitive slave law. Again the prisoner applied to the supreme court of Wisconsin—his last application bearing date the twenty-sixth of January, 1855. He claimed discharge on the ground of the unconstitutionality of the law under which he had been indicted. The supreme court held that the indictment upon which he had been tried and convicted contained three counts, the first of which was to be considered as properly charging an offense within the act of congress of the eighteenth of September, 1850, known as the "fugitive slave law," while the second and third counts did not set forth or charge an offense punishable by any statute of the United States, and as, upon these last mentioned counts he was found guilty, and not upon the first, he must be discharged. The action of the supreme court of Wisconsin in a second time discharging Booth, was afterward reversed by the supreme court of the United States; and its decision being respected by the state court, Booth was rearrested in 1860, and the sentence of the district court of the United States, executed in part upon

him, when he was pardoned by the President.*

The years of the Barstow administration were prosperous ones for the state; abundant crops and increased prices were generally realized by farmers. They were years also of general health. The constitution of the state requiring the legislature to provide by law for an enumeration of the inhabitants in the year 1855, an act was passed for that purpose, the result showing a population of 552,109, as already given.

According to the declared result of the state election held in the fall of 1855, the Democratic ticket for state officers was the successful one; and William A. Barstow again took the oath of office as governor; while Arthur McArthur was sworn in as lieutenant-governor. The majority against Coles Bashford, Republican, was announced as 157. The inauguration took place on the seventh day of January, 1856; and, on the same day, Bashford, who had determined to contest the right of Barstow to the governorship, went to the supreme court room at Madison and had the oath of office administered to him by Chief Justice Whiton. Bashford afterward called at the executive office and made a formal demand of Barstow that he should vacate the gubernatorial chair, but the latter respectfully declined the invitation. These were the initiatory steps of *Bash-*

ford vs. Barstow, for the office of governor of Wisconsin.

The fight now commenced in earnest. On the eleventh of January, the counsel for Bashford called upon the attorney-general and requested him to file an information in the nature of a *quo warranto* against Barstow. On the fifteenth, that officer complied with the request. Thereupon a summons was issued to Barstow to appear and answer. On the twenty-second, Bashford, by his attorney, asked the court that the information filed by the attorney-general be discontinued and that he be allowed to file one, which request was denied by the court. While the motion was being argued, Barstow, by his attorneys, entered his appearance in the case. On the second of February, Barstow moved to quash all proceedings for the reason that the court had no jurisdiction in the matter. This motion was denied by the court.

On the twenty-first of February, the time appointed for pleading to the information, Barstow, by his attorneys, presented to the court a stipulation signed by all the parties in the case, to the effect that the board of canvassers had determined Barstow elected governor; that the secretary of state had certified to his election; and that he had taken the oath of office. They submitted to the court whether it had jurisdiction, beyond the certificates, of those facts and the canvass so made, to inquire as to the number of votes, actually given for Barstow—Bashford offering to prove that the certificates were made and issued through mistake and fraud,

* The proceedings against Booth were supplemented by a civil suit, wherein the owner of the rescued slave sued him (Booth) and got a judgment from the jury under instructions from the court for one thousand dollars, the value of a negro slave fixed by the act of congress of 1850.

and that he, instead of Barstow, received the greatest number of votes. This stipulation the court declined to entertain, or to pass upon the questions suggested; as they were not presented in legal form. Barstow was thereupon given until the twenty-fifth to answer the information that had been filed against him by the attorney-general.

On the day appointed, Barstow filed his plea to the effect that, by the laws of Wisconsin regulating the conducting of general elections for the state officers, it was the duty of the board of canvassers to determine who was elected to the office of governor; and that the board had found that he (Barstow) was duly elected to that office. It was a plea to the jurisdiction of the court. A demurer was interposed to this plea, setting forth that the matters therein contained were not sufficient in law to take the case out of court; asking also for a judgment against Barstow or that he answer further the information filed against him. The demurer was sustained, and Barstow was required to answer over within four days, at the expiration of which time the counsel for Barstow withdrew from the case, on the ground, as they alleged, that they had appeared at the bar of the court to object to the jurisdiction of that tribunal in the matter, and the court had determined to proceed with the case, holding and exercising full and final jurisdiction over it, and that they could take no further steps without conceding the right of that tribunal so to hold. Thereupon, on the eighth of March, Barstow entered a protest, by a com-

munication to the supreme court, against any further interference with the department under his charge by that tribunal, "either by attempting to transfer its powers to another or direct the course of executive action." The counsel for Bashford then moved for judgment upon the default of Barstow.

A further hearing of this celebrated case was postponed until the eighteenth of March, when the attorney-general filed a motion to dismiss the proceedings, against which motion Bashford, by his counsel, protested as being prejudicial to his rights. It was the opinion of the court that the attorney-general could not dismiss the case; that everything which was pleaded by Bashford in his information was confessed by the default of Barstow. By strict usage a final judgment ought then to have followed; but the court came to the conclusion to call upon Bashford to bring forward proof, showing his right to the office. Testimony was then adduced at length, touching the character of the returns made to the state canvassers.

While the supreme court was engaged in hearing evidence in the case, Barstow sent in his resignation to the legislature, giving for his reason the action of that tribunal. On the same day—the twenty-first of March—Arthur McArthur, lieutenant-governor, took and subscribed an oath of office as governor, and entered at once upon the duties of that office. But the supreme court, having heard all the testimony brought forward to establish the claim of Bashford, decided that the latter had received the greater num-

ber of votes and that there must be a judgment in his favor, and one of ouster against Barstow, which were accordingly rendered. Thereupon, on the twenty-fifth, Bashford called on McArthur, then occupying the executive chair, and demanded possession of the executive office—at the same time intimating that he preferred peaceable measures to force, but the latter would be employed if necessary. The acting governor thereupon vacated the office, when Bashford took the gubernatorial seat, his right to it being at once recognized by the senate, and in two days thereafter by the assembly. This ended "Bashford *vs.* Barstow"—the first and only "war of succession" ever indulged in by Wisconsin.*

The years of Bashford's administration were, agriculturally speaking, fair ones for Wisconsin; but the last one—1857—was a disastrous year to the state, as well as to the whole country, in a financial point of view. Early in the fall, a monetary panic swept over the land.

Following the administration of Governor Bashford was that of Governor Alexander W. Randall (first term, 1858, 1859; second term, 1860, 1861). Randall, like his predecessor, was a Republican. In the last year of his second term came on the War of the Rebellion. "Secession," said Randall, "is revolution; revolution is war; war against the government of the United States is

treason." "While," he added, "no unnecessary expense should be incurred, yet it is the part of wisdom, both for individuals and states, in revolutionary times, to be prepared to defend our institutions to the last extremity." It was in such words that the patriotic governor, in a message to the legislature, early in January, 1861, gave evidence to the world that he "scented the battle afar off."

In Wisconsin, as elsewhere, the public pulse quickened under the excitement of the fall of Fort Sumter. "The dangers which surrounded the nation awakened the liveliest sentiments of patriotism and devotion. For the time, party fealty was forgotten in the general desire to save the nation. The minds of the people soon settled into the conviction that a bloody war was at hand, and that the glorious fabric of our national government, and the principles upon which it is founded, were in jeopardy; and, with a determination unparalleled in the history of any country, they rushed to its defense. On every hand the national flag could be seen displayed, and the public enthusiasm knew no bounds; in city, town and hamlet the burden on every tongue was war."

On the tenth day of April, 1862, Governor Louis P. Harvey, the successor of Alexander W. Randall in the executive chair, started, along with others, from Wisconsin on a tour to relieve the wounded and suffering soldiers from the state, at Mound City, Paducah and Savannah. Having completed his mission, he made preparations to return.

* "History of Wisconsin," by C. W. Butterfield, in Snyder, Van Vechten & Co.'s 'Illustrated Historical Atlas.' This 'History of Wisconsin' has been re-published as an introduction in a number of county histories of the state.

He went, on board a steamboat at the landing at the place last named, and there awaited the arrival of another steamer, which was to convey him and his party to Cairo. It was late in the evening of the nineteenth when the boat arrived, and as she rounded to, her bow touched the one on which was the governor, precipitating him into the Tennessee river. Every effort was made to save his life, but in vain. His body was afterward recovered and brought home for interment. Edward Solomon, lieutenant-governor, by virtue of a provision of the constitution, succeeded to the office of governor, his administration (with the fractional term filled by Governor Harvey) included the years 1862 and 1863.

For the next two years, James T. Lewis was the governor of Wisconsin. Before the close of his term the war of secession was ended. The state had furnished to the federal army during the rebellion more than ninety thousand men. Nearly eleven thousand of these were killed or died of wounds received in battle, or fell victims to disease contracted in the service—to say nothing of the number who died after their discharge and whose deaths do not appear upon the military records. "Monuments may crumble, cities fall into decay, the tooth of time leave its impress on all the works of man, but the memory of the gallant deeds of the army of the nation in the great War of the Rebellion, in which so many of the sons of Wisconsin took part on the side of the Union, will live in the minds of men far down the coming ages."

Lucius Fairchild was three times elected governor of Wisconsin, his administration extending from 1866 to 1871, inclusive. It was during the last year of his last term that a great drouth in the summer and fall dried up the streams and swamps in northern Wisconsin. In the forests the fallen leaves and underbrush which covered the ground became very ignitable. The ground itself, especially in cases of alluvial or bottom lands, was so dry and parched as to burn readily to the depth of a foot or more. For many days preceding the commencement of the second week in October, fires swept through the timbered country, and in some instances over prairies and "openings." Farmers, sawmill owners, railroad men, and all others interested in exposed property, labored day and night in contending against the advance of devouring fires, which were destroying, notwithstanding the ceaseless energies of the people, an occasional mill or house, and sweeping off here and there fences, haystacks and barns. Over the counties lying upon Green bay and a portion of those contiguous thereto on the south, southwest and west, hung a general gloom. No rain came. All energies were exhausted from "fighting fire." The atmosphere was everywhere permeated with smoke. The waters of the bay, and even of Lake Michigan, in places, were so enveloped as to render navigation difficult, and in some instances dangerous. It finally became very difficult to travel upon the highways and on railroads. Time drew on—but there came no rain. The ground

in very many places was burned over. Persons sought refuge—some in excavations in the earth, others in wells.

The counties of Oconto, Brown, Kewaunee, Door, Manitowoc, Outagamie, and Shawano were all more or less swept by this besom of destruction; but in Oconto county, and for some distance into Menomonie county, Michigan, across the Menomonie river, on the west shore of the bay and throughout the whole length and breadth of the peninsula—that is, the territory lying between Green bay and Lake Michigan—the fires were the most devastating.

The first week in October passed; then came an actual whirlwind of fire—ten or more miles in width and of indefinite length. The manner of its progress was extraordinary. It has been described as a tempestuous sea of flame, accompanied by a most violent hurricane, which multiplied the force of the destructive element. Forests, farm improvements and entire villages were consumed. This dreadful and consuming fire was heralded by a sound likened to that of a railroad train—to the roar of a cataract—to the noise of a battle at a distance. Men, women and children perished—awfully perished. Even those who fled and sought refuge from the fire in cleared fields, in swamps, lakes and rivers, found—many of them—no safety there, but were burned to death or died of suffocation. Not human beings only, but horses, oxen, cows, dogs, swine—everything that had life—ran to escape the impending destruction. Children were separated from their parents and trampled upon by crazed

beasts. Husbands and wives rushed in wild dismay, they knew not where. Death rode triumphantly upon that devastating, fiery flood!

In this awful sea of flame, more than one thousand men, women and children died; more than three thousand, whose lives were spared, were rendered destitute—utterly beggared. Mothers were left with fatherless children; fathers with motherless children. Everywhere were homeless orphans. All around lay suffering, helpless humanity. It was a most sickening—a most horrid spectacle!

This appalling calamity happened on the eighth and ninth of October, 1871. At the tidings of the fearful visitation, Governor Fairchild hastened to the burnt district to assist the sufferers as much as was in his power. He issued, on the thirteenth of the month, a stirring appeal to the citizens of Wisconsin for aid. It was promptly responded to from all portions of the state outside the devastated region. Liberal contributions in money, clothing and provisions were sent—some from other states and even from foreign countries.*

The gubernatorial administration which succeeded Fairchild's was that of Cadwallader C. Washburn (1872, 1873). But Governor Washburn, although a candidate, was not reelected. He was defeated by William R. Taylor, as the representative of a new political organization, including "all Democrats, Liberal Republicans and other electors

* Compare, in this connection, a very able article on "The Northern Wisconsin Fires," by the late C. D. Robinson, to be found in the 'Legislative Manual of the State of Wisconsin for the year 1872.

of Wisconsin friendly to genuine reform, through equal and impartial legislation, honesty in office and rigid economy in the administration of affairs." Among the marked characteristics of the platform agreed upon by the convention which nominated Taylor, was a declaration by the members that they would vote for no candidate for office whose nomination should be the fruit of his own importunity, or of a corrupt combination among partisan leaders; another, that the sovereignty of the state over corporations of its own creation should be sacredly respected, to the full extent of protecting the people against every form of monopoly or extortion, not denying, however, an encouragement to wholesome enterprise on part of aggregated capital; this "plank" having special reference to a long series of alleged grievances assumed to have been endured by the people on account of discriminations in railroad charges, and a consequent burdensome taxation on labor—especially upon the agricultural industry of the state.

Naturally enough, what was known as the "Potter law" followed, limiting the compensation received by railroads for the carrying of passengers; it classified freight and regulated prices for its transportation within the state. The law was resisted by the railroad companies, but ultimately the complete and absolute power of the people, through the legislature, to modify or altogether repeal railroad charters, was fully sustained by the courts both of the state and the United States. In the end, the law was amended in some important

particulars without changing the right of state control; rates were modified, and an era of good feeling succeeded, which still continues.

Governor William R. Taylor was succeeded by Harrison Ludington, whose administration continued through the years 1876 and 1877. The application of Miss Lavinia Goodell, for admission to the bar of Wisconsin, was rejected by the supreme court of the state at its January term, 1876. "We cannot but think the common law wise in excluding women from the profession of the law," said Chief Justice Ryan, in the decree of refusal. "The profession," he added, enters largely into the well-being of society, and to be honorably filled, and safely to society, exacts the devotion of life. The law of nature destines and qualifies the female sex for the bearing and nurture of children of our race, and for the custody of the homes of the world, and their maintenance in love and honor. And all lifelong callings of women inconsistent with these radical and social duties of their sex, as is the profession of the law, are departures from the order of nature, and, when voluntary, are treason against it." But these rather Napoleonic ideas of women seem not to have impressed a subsequent legislature very powerfully, for a law was soon passed, that no person could be denied admission to any court in the state to practice law on account of sex; the supreme court has not yet declared that law unconstitutional.

William E. Smith was Ludington's successor as governor. He was re-

elected in the fall of 1879; so that his years in office began with 1878 and ended with 1881. Following Governor Smith in the executive chair was Jeremiah M. Rusk. His first year was 1882; his second, 1883, when his term would have expired; but all state officers who were in office in the year last-named by election, had the year 1884 added to their terms by the legislature; as a consequence, the state election was postponed from the fall of that year to that of 1884, when Rusk was reelected and is still (October, 1886) in office.* Regular sessions of the legislature are now held biennially, under recent amendments to the constitution, instead of annually, as before.

On the tenth of January, 1883, occurred the burning, in Milwaukee, of the Newhall House, when more than seventy persons perished in the flames.

On the second day of May, 1886, a large procession of laborers marched through the streets of Milwaukee.

* The exact time while in office of the several governors is as follows: Nelson Dewey, June 7, 1848, to January 5, 1852; Leonard J. Farwell, January 5, 1852, to January 2, 1854; William A. Barstow, January 2, 1854, to March 21, 1856; Arthur McArthur, March 21, 1856, to March 25, 1856; Coles Bashford, March 25, 1856, to January 4, 1858; Alexander W. Randall, January 4, 1858, to January 6, 1862; Louis P. Harvey, January 6, 1862, to April 19, 1862; Edward Solomon, April 19, 1862, to January 4, 1864; James T. Lewis, January 4, 1864, to January 1, 1866; Lucius Fairchild, January 1, 1866, to January 1, 1872; C. C. Washburn, January 1, 1872, to January 5, 1874; William R. Taylor, January 5, 1874, to January 3, 1876; Harrison Ludington, January 3, 1876, to January 7, 1878; William E. Smith, January 7, 1878, to January 2, 1882; Jeremiah M. Rusk, January 2, 1882 (now in office).

This grew out of the eight-hour movement primarily, but really out of the acts and teachings of a group of anarchists, who took advantage of the excitement to inflame innocent workingmen and lead them headlong into disorder. The temper of the leaders and a few followers caused Governor Rusk, at Madison, to be apprehensive of trouble, and he ordered the adjutant-general of the state to make everything ready for active service of the militia—proceeding himself at once to Milwaukee, by special train, to watch, personally, the course of events, and be prepared to act promptly and intelligently in case of emergency.

On the third of May, a mob by force compelled the closing of the shops of the Chicago, Milwaukee & St. Paul railway and other works. The next day, having been repulsed by the twelve hundred employes of E. P. Allis & Company, the mob reassembled, with threats, armed with sticks, stones, irons, knives and some fire-arms, and moved on the rolling mills at Bay View. To disperse this mob a volley was fired by the militia (which had been ordered out by the governor, and two companies stationed to defend the works at that point) but no one was killed. Better armed and more ugly, the mob, on the forenoon of the fourth, again started for the rolling mills, shouting revengefully. Refusing to halt or disperse when called upon, they were fired at by the soldiers. Six were killed and several wounded. By the prompt, effective and decisive action of Governor Rusk, the mob-spirit rampant in the city was thus

broken up, and a restoration of order quickly followed.

From the foregoing somewhat hasty glance at the salient points in Wisconsin history, let us turn our attention, in conclusion, to the state, in its present aspect. Its political divisions are counties, towns, cities and incorporated villages. The county government is in charge of a county board of supervisors. County officers are: clerk, treasurer, sheriff, coroner, clerk of circuit court, district attorney, register of deeds, surveyor and one superintendent of schools (or two if the population warrant that number). The government of the towns is in charge of a town board of officers. Town officers are: clerk, treasurer, assessors, justices of the peace, overseers of highways, and constables. (These towns are identical with what are called townships in some states). The city governments depend upon charters granted by the legislature. Generally, a mayor, common council, clerk, treasurer, attorney, chief of police, fire marshal, and surveyor, are the city officers. Incorporated villages have as officers a president, six trustees, clerk, treasurer, supervisor, marshal and constable, and sometimes a justice of the peace or police justice.

The extent of the "Gogebic Iron Range," in Wisconsin, has of late caused considerable interest among iron manufacturers throughout the country. The "range" is one of the best defined in the United States, and the construction of several lines of railways in the northern part of the state will rapidly develop its wealth.

Intelligence and education are prominent characteristics of the people of Wisconsin. She has her district schools, her graded schools, and her free high schools. These may be said to culminate in her university—the pride of all her citizens. Then there are the excellent normal schools. All these public educational institutions are supplemented by many that are private or denominational, reformatory or charitable. The school officers in Wisconsin are: a state superintendent of public instruction* and his assistants, a county superintendent (sometimes two) in each county that is organized, and a school board in each district, consisting of a director, treasurer and clerk. Cities have each a board of education, and the larger cities a city superintendent, who, in some cases, is also principal of the high school. It may be said with truth that, in her educational facilities, Wisconsin already rivals the most advanced of her sister states.

We may add that the state has many attractive features. It is healthy, fertile, well watered, and well wooded. All the necessities and many of the comforts and luxuries of life are easily to be obtained. Agriculture is conducted with profit and success. The farmer, generally speaking, owns the land he cultivates. Markets are easily reached by railways and water navigation. The commerce of Wisconsin is extensive,

* The persons who have been elected state superintendents are Eleazer Root, Azel P. Ladd, Hiram A. Wright, A. C. Barry, Lyman C. Draper, Josiah L. Pickard, John G. McMynn, Alexander J. Craig, Samuel Fellows, Edward Searing, William Whitford, and Robert Graham (now in office).





Magazine of Western History

J. M. Curtis

Engr. by E. A. Williams at San Francisco

her manufactures renumerative, her solidly growing in wealth, population natural resources great and manifold. and importance.

In a word, the state is steadily and

C. W. BUTTERFIELD.

THE MUNICIPAL GROWTH OF CLEVELAND.

V.

J. MILTON CURTISS.

THERE are few men who in the last few years have had a more intimate relation to the municipality of Cleveland than the gentleman whose name is found above, and there have certainly been few who have worked as earnestly and faithfully for the creation and advancement of needed public improvements. The natural bent of his mind is such that he finds a source of permanent delight when at work in the line of public material progress. He made his entry into public life as a champion of a needed improvement; he has always been on the side of advancement in each new measure that has been proposed, and his official record is inseparably linked with the history of three great onward steps in Cleveland's growth—Riverside cemetery, the South Side park and the new central viaduct, or belt line bridge, that is soon to connect the East Side, West Side and South Side by one grand, level and continuous roadway.

Mr. Curtiss is essentially a self-made man. He comes of English and Scotch ancestry, and his life shows that he has inherited the best qualities of those virile races. His mother was a native

of Stonington, Connecticut, and her ancestors, the Fishs and Fosters, were among the first settlers on the west side of the river, in Cuyahoga county, some of them coming here as early as 1811. His father, Milton Curtiss, was a native of Rutland, Vermont. The old farm (which is still held in the family) proving too small, or the family of enterprising boys too large, he, with two of his brothers, followed the tide of emigration, at that time strongly flowing towards the Western Reserve, and came to Ohio in 1817 or 1818, in time, at all events, to participate in the celebrated "Hinckley bear-hunt," which took place in December of the latter year. As the bears were driven out he, with other settlers, took possession. In 1842 he removed to southern Illinois, where, in 1844, he died, the mother with her little family returning to her friends in Brooklyn. The subject of this sketch was born in Harrisville, Medina county, February 26, 1840. His boyhood was spent in Brooklyn, near where he has ever since resided, and, in consequence, he early became intimately acquainted with every foot of territory in that part

of the county, a knowledge that was afterwards put to good use for the benefit of the public. The old Brooklyn academy was in those days a flourishing institution. Young Curtiss and his two older brothers were numbered among its pupils, each in turn doing janitor work about the academy building in payment for his tuition. Afterwards he attended the city public schools, finishing at the Cleveland Institute, on the Heights, and thus received a thorough course of academic training. On leaving there he taught school for one year, and then engaged in the nursery business with his brother, William, founder of the Forest City nursery. He learned the business readily, the more so as he had a strong natural aptitude in that direction, with a love for everything of nature and a passion for adding the graces of art to nature's endeavor. On the death of his brother, in 1860, Mr. Curtiss took entire charge of the nursery and managed it with skill and success. He enlarged it from time to time, and soon became one of the leaders in that line of industry in this section of the state. When the city began to overrun its old boundaries and to crowd the nursery grounds as requiring too much valuable space, Mr. Curtiss was gradually forced into laying out and selling land, a business in which he has been very successful, his operations being confined to his own property and lands belonging to Mr. Jacob Perkins. In that he was of great help to the material prosperity of the South Side, as Mr. Perkins was the first landholder in the city to sell land

and build houses, making no profit on the house but furnishing it to the purchaser at actual cost. The installment plan, as applied to homes, was perfected, if not originated, by Mr. Curtiss, and has been the means of furnishing hundreds of homes to those who could not have purchased them in any other way.

It was entirely due to Mr. Curtiss' love for improvements and his wish to see Cleveland grow up to its opportunities, that led him into public life. He had helped organize and been one of the first trustees of Brooklyn village, which he resigned in 1868 in order to move within the city limits, but beyond that had held no thought of official life or desire therefor. In 1874 and 1875 there was a great demand for a new cemetery on the west side of the river, and the matter was not only discussed in the city council, but some definite steps were taken in relation thereto. Because of this discussion and Mr. Curtiss' connection with the Riverside Cemetery association which began to take form about this time, he was persuaded by his friends to accept the Republican nomination for the council from the Thirteenth ward in 1876, and was elected. He was a strong and influential member from the start. He remained in that body for six years, covering three terms, and was anxious to retire to the rest and quiet of private life, when he was again called into public duty by Mayor Herrick who appointed him a member of the city park commission. He gave two years to that service, and was instrumental in adding

many needed improvements to the park system of Cleveland. The "big bridge" issue came up and in order that his experience, influence and skill might be used in the proper settlement of that great question, he was asked to resign from the park board and again go to the council, serving two terms, and retiring only when the bridge question was settled and the contracts let, in the spring of 1886. During his service as councilman he served on all the important committees of that body, was twice the council member of the board of improvements, and had a part in all important measures that came before that body. His personal influence was marked, and was shown by the results that he was able to produce. With an incisive clearness as a debater, with cool judgment that did not allow his feelings to carry him away, with a keenness of vision that led him to lay his plans well in advance, and with a persistency that kept at work until the point was reached, he made one of the strongest members of a body in which more work is accomplished by personal influence than by forensic display. He was the friend of many important public measures during that service, but space will permit of only a reference to the three great ones mentioned above.

As soon as Mr. Curtiss reached the council he applied himself to the study of the cemetery question, and the result was the confirmation of ideas he had previously held in mind. He found himself forced to the conclusion that the actual ownership of a cemetery by the city in its corporate capacity was not

the best method of managing these resting places of the dead, but that the real plan was that already put into operation at Lake View. Out of these conclusions grew Riverside. The history of that institution, that has become a monument to the men who created it, is full of interest. As Mr. Curtiss himself has said, in a recent annual report, "between each line of the record there is an unwritten line, telling of anxious hopes and fears; of severe struggles and many discouragements."

He finally gave to it a time and personal labor he had not contemplated in the beginning. He accepted the position of superintendent that he might better accomplish the end in view. He worked, planned, thought, and hoped for Riverside. He gave courage where others despaired. He made the most of every opportunity, and gained a point wherever it was to be had. He held this position for five years, and made a success of what would otherwise have been a failure. I cannot give a full history of this enterprise, but suffice it to say that only the truth was spoken and due credit given on the day of dedication when the orator said:

Probably all great cities have some special points of attraction, either of parks, avenues or cemeteries, Cleveland is favored in all, but in none will there be in all time so much of individual and municipal pride as in Lake View and Riverside. It is no disparagement to their colleagues and coadjutors to say that J. H. Wade and J. M. Curtiss are especially recognized as the projectors of the respective enterprises, and for their forethought and cultured taste, generations to come will honor their memory.

Mr. Curtiss was one of the first trustees of Riverside, and has held that position ever since. After five years of

service as superintendent he was elected president, which office he yet holds. He has always given the institution his most earnest care and attention, and has brought the full fruit of his natural taste and artistic sense to its service—having much to do in making it the beautiful place it is to-day.

The story of Pelton park and its troubles is of such recent date that only a passing reference thereto is necessary. It had been in litigation for some twenty-five years, the heirs of the original owners claiming it on the one hand, and the public on the other. Mr. Curtiss looked into the matter from all sides, and after weighing all the claims pro and con, suggested a compromise that was finally adopted. The city paid to the heirs fifty thousand dollars, which was about one half the value of the property, and received a clear title to the land—thus securing to the people of the south side a public park forever. Mr. Curtiss labored hard in this matter, and the wisdom of his view was justified in the fact that all the parties finally agreed to the plan he proposed.

Mr. Curtiss' latest return to the city council was demanded by the people of the South Side because of the general decision everywhere that the time had at last come to bridge the ravine between the East and South Sides, and take an advance step to that extent. He entered heart and soul into the measure. He spent a number of days in New York city examining the various structures there erected. His part in that great enterprise is well known to the people of Cleveland. It was his suggestion

that finally secured its adoption and made of it what it is to be—not a mere local roadway uniting the East Side and the South Side, but a part of a grand belt line that, with the viaduct, should make Cleveland one close and compact city, independent of the Valley of the Cuyahoga and Waiworth run, so far as communication from one part of the city with the other is concerned. He was the earnest champion for this improvement from the start, and it takes nothing from the deserved credit of others to say that there was more than one time in the history of the enterprise that it would have fallen through had it not been for his courage, faith, determination and personal influence. He was made the target of those who opposed the measure, but turned neither to the right nor the left because of it, feeling that time would set him right and the people endorse the measure. They did so, and this plan was adopted and is now in process of being carried out. The viaduct in its early days met the same opposition that has been held to the great central bridge, and the endorsement that is now almost unanimously given to that measure will in future days be extended to this great improvement that is to bring the isolated portions of Cleveland into one compact and harmonious whole.

Restless unless engaged in something that should make the world more pleasing and useful as a habitation for man, Mr. Curtiss sometime ago secured control of one of the most beautiful of the Thousand Island points in Alexandria bay, St. Lawrence river, and in 1885

completed the organization of the Edgewood club, of which he is the moving spirit and acknowledged head. Some idea of the purpose of this organization may be gained from the following taken from a recent prospectus :

The object of the club is to provide for its members and their families a desirable summer resort which shall combine all the comforts and conveniences of home—which shall be, in its nature, a private resort, and which, above all, shall be exempt from social pests and public annoyances—the only condition of membership being that the applicant shall be a lady or gentleman in the fullest and best sense of that term. The Edgewood Family hotel is situated on a commanding point of Edgewood park, overlooking the bay and the noble St. Lawrence. The park includes thirty acres, and the grounds are beautifully laid out with easy, graded drives and romantic footpaths. Commodious stables are also being built, and driving will be one of the features of the summer gatherings, while a beautiful steam yacht will be purchased for the convenience of the club.

Mr. Curtiss has entered upon this measure as he has on those above, all through a desire for the growth of improvements in all directions, and has given to it much of his personal care and attention—especially to the laying out and beautifying of the grounds.

Another important enterprise originated by Mr. Curtiss and now occupying his attention, is the "Euclid Arcade," connecting, in T shape, Euclid, Superior and Bond streets, and which bids fair to rank as one of the greatest private improvements ever undertaken in Cleveland. Mr. Curtiss first conceived the idea during his travels in Europe some years ago, and has since then been steadily developing his plans. For this purpose he visited almost every arcade known to exist in this

country, studying their construction, usefulness and profit, until last spring he began active operations looking to an early completion of the project.

The above outline of his career shows that Mr. Curtiss has been a busy man, and detailed mention of other public or social avenues through which he has made himself felt is needless. Strong in the affection and loyalty of his friends, standing high in the regard of the public, and with a capacity and experience that would enable him to properly fulfill any trust to which he might be chosen, he has never sought to advance himself in public office, but on the contrary has only accepted when he could see some direct way in which he could be of public use. He has been named more than once in connection with the nomination for mayor, and has often been urged to lend the use of his name in connection with other high and honorable positions. He has as often declined—content to do his duty where he could and leave the self-seeking to others.

Viewed in a personal sense, he is a strong and growing man ; of excellent judgment, fair in his views, quiet in assertion but strong in advancing ideas which he believes to be right ; honorable in his relations with men ; charitable in his deeds, and exemplary in his life and character. He loves his home and children with a loyal devotion, and in their midst he finds strength and consolation for the trials and labors of the outward world. He was married in 1862 to Miss Susie Brainard, an early schoolmate, who died in 1869, leaving

one daughter, Miss Ruth, who graduated from Vassar college the present summer. He was again married in 1874 to Miss May Eglin of Huntington, Lorain

county, and two girls and two boys have been the fruit of their union.

J. H. KENNEDY.

THE BENCH AND THE BAR OF TORONTO, AND THE ACT OF 1791.

IN introducing to the reader the subject of the Bench and Bar of Toronto I have felt that the subject would not be complete without adding to it the constitutional act of 1791, as it was under that act that Upper Canada got her separate existence and following upon that, York, now Toronto, became the capital of the province.

Previous to the passing of the constitutional act, the condition of affairs—civil, political and judicial—was so widely different at different epochs that it will be profitable, if not necessary, to pass in review the state of affairs legal in the province of Quebec during this ante 1791 period.

The old province of Quebec was, by an act of the imperial parliament passed in 1791—generally referred to by the old judges as "The act of the thirty-first of the King," with special emphasis on the word king—divided into the two provinces of Upper and Lower Canada.

The period extending from 1759, the date of the conquest, to 1791, may well be termed the revolutionary period of the law of Canada.

It can easily be conceived that in a part of this intervening period—namely, the period between 1759 and 1763 in

which latter year the treaty of peace was come to between Great Britain and France by which the province of Quebec was ceded to Great Britain by France—the state of the law and its administration in the province were in a very unsatisfactory state. The population was a mixed population, comprising French of France, French Canadians born in the province, Indians, Metis or half breeds, English officers, English soldiers and English traders, a large majority however being native born French Canadians. The lot of these people was not a happy one; the civil government was military rule.

The country in 1760, soon after the articles of surrender were signed in Montreal, was divided up by General Amherst, the then governor-general, into three districts, and English officers were appointed to the duty of district governor over each district, with a lieutenant-governor over the whole. These district officers had a council of other English officers to assist, and adjudged cases brought before them subject to the approval of the lieutenant-governor.

Up to the treaty of peace in 1763 the law which governed was rather the law of might than of right. The French

Canadians had become a conquered race and were in the power of the conquerors. There is nothing to show that the law was improperly or harshly administered during this period. Nevertheless, with a French population not understanding English, and an English tribunal not understanding French, it could not be otherwise than that differences and altercations of a serious character should occur. On the one hand, the French dearly loved their old laws and did not at all relish the change in government. The English were of opinion that British subjects, as the French had become by conquest, should be governed by and willingly submit to the English law pure and simple.

The case stood thus: By the twenty-first article of the articles of capitulation entered into at Montreal, September 8, 1760, between General Amherst, commander-in-chief of his Britannic majesty's troops in North America, and the Marquis of Vaudreuil, for the French, it was provided that the English general should furnish ships for carrying to France the supreme court of justice, police and admiralty.

The Marquis of Vaudreuil, by article forty-two of the articles of capitulation, proposed "that the French and Canadians shall continue to be governed according to the custom of Paris and the laws and usages established for their country." General Amherst answered this forty-second article thus: "They become subjects of his majesty." The answer of the general, it will thus be seen, was short but significant. Not only the correspondence that took place between

the two commanders, but other articles of the capitulation all go to show that on the one side the marquis was endeavoring to have preserved to the French and Canadians their ancient laws and customs, while on the other side (the English) the commander would consent to nothing than the inhabitants "should become subjects of the king," amenable to the laws and constitution of England.

The French remaining in the province after the capitulation, till the final treaty of peace was signed, in 1763, were not at all satisfied.

There can be no doubt military law is not in the general pleasing to civilians; and it may be that some of those charged with the administration of the kind of law imposed upon the Canadians, were not the best qualified for the duties they had to discharge; but there is no authority for saying, as said by at least one French writer of history, that "this martial system was adopted in violation of the capitulation, which guaranteed to the Canadians the rights of British subjects." The history of the time rather goes to show that the French Canadians though conquered were not subdued. They still clung to their old laws, and did not willingly submit to become British subjects, to be governed by British laws. It is not surprising that this should have been the case. The French Canadian, walking in the old paths all his life, and his forefathers before him, for more than a century, could not easily be weaned from his old customs. Still—"L'homme propose et Dieu dispose"—the fortunes of war had gone against them. With-

out objecting to remonstrance on the part of the French, the British officials demanded peaceful recognition of the change and respect for the newly constituted authority.

Military rule was finally brought to an end; the treaty of 1763 was signed; the English colonists had now reason to believe that all would be well with them; that the French and French Canadian would be content; that there would be no more protestation on the part of the French, but that all would act together for the general good.

There is nothing in the treaty which gave to the French Canadian or French of France the old laws and customs of Canada, the laws and customs which prevailed before the conquest. There was a clause—clause 4—by which "His Britannic Majesty agreed to grant the liberty of the Catholic religion to the inhabitants of Canada; he will consequently give the most precise and effectual orders that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Roman Church, as far as the laws of Great Britain will permit." There is not a line in the treaty about laws and customs, though special regard was paid to the matter of religion. Reading the capitulation articles and the treaty together, it is apparent that the French, both by negotiation and treaty, had the greatest solicitude for their church and their religion; that the English thoroughly appreciated this, giving them very exclusive religious privileges and rights, but always reserving the right of British law.

In October, 1763, a proclamation, under the great seal, was published, erecting four new civil governments in America, namely: Quebec, East Florida, West Florida and Grenada. This proclamation stated "that, as soon as the circumstances of the colonies would permit, general assemblies of the people would be convened in the same manner as in the American provinces, in the meantime the laws of England to be in force." The issuing of this proclamation by the king plainly shows what his view of the capitulation and the treaty was, namely: that the laws of England were to prevail in Quebec until altered by competent authority.

Not two years had elapsed after the signing of the treaty when the governor-general, acting under instructions, formed a new executive council composed of the two lieutenant-governors of the two districts of Montreal and Three Rivers, into which the province had been divided, the chief justice, the inspector-general of customs, and eight other persons, chosen from among the inhabitants of the colony, who, with himself, should possess all executive, legislative and judicial functions. This act was a remodeling of the whole previous system.

A court called the king's bench, and another court called the common pleas, was established following English precedent. Both these courts were bound to render decisions based on the law and practice of England, subject to appeal to the executive council.

In an ordinance of September, 1764, it was assumed that the chief justice,

sitting in the new supreme court then existing, had full power to determine all cases, both criminal and civil, conformably to English law and the ordinances of the province. Authors (historiographers) both French and English, or rather Upper Canadian, have condemned this act of the king in issuing the proclamation of 1763 as a "rash and unwise measure, that it was a great injustice to a conquered people to compel them suddenly to submit to this law of the conqueror."

The French soon showed their disposition not to be content with government under British law. Neither the forms of procedure nor the administration of the law met with their approbation. Nothing seemed to suit them but the "old regime." They argued; they discussed; they remonstrated; they charged a breach of faith on the part of the English government—that they were promised their old laws, including the old way of administration of those laws, instead of which they had English courts with English judges and English procedure, and, to crown all, the English language. This must not be endured. Petitions must be sent to the imperial government setting forth their alleged grievances. The British in the colony determined to uphold the British law. The conflict goes on apace. Neither party in the province will give way. They are pulling different ways. They are at cross purposes—it is French or English, and God defend the right. There is much ado about something, and something must be done to put an end to turmoil and confusion. Both parties

in the state appealed to England to settle their differences. It was great good fortune for the French party that just at this time the British colonists in New England were demanding from old England relief from their alleged grievances. The doctrine of no taxation without representation was being pushed with great vigor. A revolution of the North American colonies outside of Quebec was looming up in the near distance. In the case of actual war it would be wise on the part of the British to keep in favor her French Canadian subjects in Quebec. Now is the time of advantage for the French. "*Nous avons l'avantage.*" A bill is introduced into the house of lords to provide for the government of Quebec. It passes the lords, is sent to the commons, meets with great opposition there; a committee is appointed; witnesses, Sir Guy Carleton and Mr. Hay the chief justice, are examined before the committee; the commons finally passes the bill in amended shape; the lords concur, the king assents to the act. The British in Quebec, who believed themselves the conquering and dominant race, are to change place with the conquerors and submit to French law, the authorized law for their guidance in the conquered province, the key of the whole of Canada. This act was passed by the imperial parliament in 1774, entitled: "An act for making more effectual provision for the government of North America." The eighth clause of this act enacted as follows:

His majesty's Canadian subjects within the province of Quebec, the religious orders and communities only excepted, may also hold and enjoy their property

and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample and beneficial a manner as if the proclamation, commissions, ordinances and other acts and instruments had not been made, and as may consist with their allegiance to his majesty and subject to the crown and parliament of Great Britain, *and in all matters of controversy relative to property and civil rights, resort shall be had to the laws of Canada as the rule for the decision of the same*; and all causes that shall hereafter be instituted in any of the courts of justice to be appointed within and for the said province, by his majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to the said laws and customs of CANADA until they shall be varied or altered by any ordinances that shall from time to time be passed in the said province by the governor, lieutenant-governor or commander-in-chief for the time being, by and with the advice and consent of the legislative council of the same, to be appointed in manner hereinafter mentioned.

By enacting that "in all matters of controversy and civil rights resort shall be had to the laws of Canada as the rule for the decision of the same," the old Canada or French law was restored and all his majesty's subjects, French and English, in the colony were in civil matters placed under laws totally foreign to British immigrants and those of the old British settlers who had been accustomed to British law.

The speech of his majesty, the king, to both houses of parliament, discloses the reason for passing that act. In that speech his majesty says:

The very peculiar circumstances of embarrassment in which the province of Quebec is involved had rendered the proper adjustment and regulation of the government thereof a matter of no small difficulty. The bill which you prepared for that purpose and to which I have now given my assent is founded on the clearest principles of justice and humanity, and will, I doubt not, have the best effects in quelling the minds and promoting the happiness of my Canadian subjects. I have seen with concern a danger-

ous spirit of resistance to my government and the execution of the laws in the province of Massachusetts Bay in New England.

The act of 1774 enlarged the boundaries of the province of Quebec south to the banks of the Ohio and westward to the banks of the Mississippi, thus taking into the province of Quebec a territory and people of one of the British North American colonies to the south of the great lakes and which afterward, by the treaty of Versailles in 1783, became part of one of the free and independent United States of America. The act had no sooner passed and been communicated to the provincials, than the English party now in their turn set about protesting against the injustice done them in imposing the French law on his majesty's loyal subjects; British subjects of his province, the laws of the conquered race. Petitions were sent to the imperial parliament asking for a repeal of the act. The discontented colonists of the New England states, bent on revolution, were not slow in urging the people of Canada to join them in their intended resistance to imperial authority. The congress of the New England states, which met at Philadelphia on the fifth of September, 1774, addressed the colonists in Canada as, "Friends and fellow citizens," and then endeavored to impress them with the advantage of their confederation. During the American Revolutionary War, beginning with the affair at Lexington and ending with the treaty of peace in 1783, the law was administered in Quebec under the act of 1774, the French law, and was most distasteful to

the British residents. At the time of the passing of the Quebec act of 1774, by which the boundaries were extended, as already stated, so as to include the inhabitants of the Ohio valley, there were as many as twenty thousand people in that region who had emigrated thitherward from other states. These people had enjoyed the benefit of British laws as administered in the colonial courts. They were not then disposed to accept in their place the "*Contumede-Paris*" or any other system of French law in place of the law to which they had been accustomed. Thus a very large auxiliary force was added to the small number of Anglo-Canadian subjects settled in the districts of Montreal and Quebec, to aid in protesting against the French law.

In 1784, following the treaty of peace between the United States and Britain, a large number of subjects of the king in the now enfranchised colonies south of the St. Lawrence and the great lakes, who preferred monarchical to Republican government, and came to Canada, settled on the banks of the St. Lawrence. These immigrants to Canada, called United Empire loyalists, on their arrival in Canada soon found that their situation was not much improved if they were to be relegated to old, and in their view, antiquated laws of France. They left the United States especially to place themselves under British law, and this they determined to have. In this particular they only held to the same opinion as had influenced the people of the Ohio valley, when they, between

1774 and 1783, made their protests against being governed by French law.

In 1788 Lord Dorchester, acting for the king and in the name of the king, styling his majesty king of Great Britain, France and Ireland, issued a proclamation reciting the ordinances of the province, dividing the province into two districts and proclaimed that thereafter the province should be divided into five provinces, namely: Lunenburg, bounded on the eastern limit by a tract of land called by the name of "The Lancaster Tract," the western limit of which should be the mouth of the Gananoque river, or, as then called, the Thames river; Mecklenburg, to adjoin Lunenburg on the west, and to extend westward to the mouth of the River Trent; Nassau, to adjoin Mecklenburg and extend westward to extreme projection of Long Point into Lake Erie; Hesse, comprehending all the residue of the province to the west; Gaspé, all that part of the province on south side of the St. Lawrence to the eastward of a north and south line intersecting the northeasterly side of Cape Cat.

By provincial act of Upper Canada, passed in 1792, the four districts within that province, namely: Lunenburg, Mecklenburg, Nassau and Hesse, were changed in the order of these names to Eastern District, Midland District, Home District and Western District. The period between 1774 and 1791 has generally been termed "The Legislative Council" period. This arises from the fact that by the Quebec act a legis-

lative council, who were appointees of the crown, governed the province. In 1777 an ordinance was passed by this legislative body dividing the province into two districts and established two courts, a court of king's bench and a court of common pleas, for each district. The act which placed the power of government in a body irresponsible to the people, was the means of causing much contention and ill-will. The judges for the courts were in many instances not such as to lend either dignity or learning to the administration of the law; they did not understand the French language; the forms of law were wholly unfamiliar to the French; disquietude, discontent and dissatisfaction prevailed in the colony. The English saw the French law which the judges did not understand administered by English judges. The French witnessed their law not interpreted correctly and mal-administered by the bench. Petitions were sent to England to alter this state of things. The situation of affairs was very perplexing to English statesmen. Committees were formed to examine the whole subject. Instructions were sent to the government of Quebec to obtain a reliable report as to the cause of the discontent. English traders of Quebec and French citizens were called upon to give their evidence; reports were sent to the English government. After receipt of these reports and a review of the whole question, the imperial government, acting on the advice of Mr. Pitt, determined to divide the province into two provinces, as it were to herd the

French in one part of the old province of Quebec and the English in the other part, so that each could have the laws most agreeable to a majority of the people of the respective provinces. On this the king advised and the parliament passed the act of the thirty-first of the king 31 George III, Cap. 31, which replaced the legislative clauses of the act of 1774 and divided the province into two provinces, one the province of Upper Canada (now Ontario) and the other the province of Lower Canada, by subsequent legislation called the province of Quebec, remitting it to the name of the two provinces combined before the division. The legislature of Upper Canada at their first session, held at Niagara on the seventeenth of September, 1792, enacted that the laws of England instead of the laws of Canada were to govern in matters of property and civil rights in Upper Canada. Thus we have introduced into the newly constituted province of Upper Canada laws most congenial to the taste of the United Empire Loyalists and to the English, Irish and Scotch, by whom the province was principally settled. The United Empire Loyalists had much to do in bringing about this state of things and the English law in the province in which they had come to settle on being expatriated from the new United States. These settlers in the province were imbued with very strong ideas on the subject of monarchical government and British laws. To their minds the establishment of a Republican government in America would not prove a success. Time has shown

that they were mistaken in this, but letting this be granted by adhering to the British laws they have retained laws which have formed the model of American jurisprudence as opposed to the "*Contume-de-Paris*" and the laws of old France.

The French in the province of Quebec retain the laws guaranteed to them by the act of 1774, and there can be no doubt the act of 1774 was passed after diligent enquiry as to the propriety of the act at the time. The attorney and solicitor-general of Quebec had both advised that the French should be remitted to their old law. So great an authority as Lord Thurlow had declared that every Canadian had a claim in justice to as much of his ancient laws, regarding private rights, as was not inconsistent with the principles of his new government. The French had loudly protested against the king's proclamation and the establishment of courts in the province. To administer English law, without an act of the imperial parliament, was an act of despotism and wholly unwarranted. The act of 1791, dividing the province, enabled the French to mould the laws to their liking. The English

of Ontario and of Quebec of to-day are not more content than the English of the ante-American Revolution period with this condition of affairs. The mother country has shaped the policy of Canada as a whole, and it is only imperial legislation or a revolution that can undo what has already been accomplished.

The French in the province of Quebec are as four to one of the English population, and strongly insist that with such a majority their French law, accorded to them by the act of 1774, should continue to prevail, while the English minority insist that in a British province they are entitled to have British laws, like as are in force in other provinces of the dominion.

I do not propose to enter into this controversy—it is a large political question and foreign to my purpose in writing of the law.

Having thus reviewed the events of old times leading up to the act of 1792, placing the British law on a solid foundation, it will be proper to proceed with the main subject, giving some account of those called upon to advocate and administer the law thus established, beginning with the first chief justice, Osgoode.

D. B. READ.

THE MICHIGAN LUMBER INTEREST, AS TOLD BY SKETCHES
OF ITS LEADING MEN.

II.

*AMMI WILLARD WRIGHT.

THE unwritten history of the Great West contains many characters of real worth and excellence, furnishing such practical illustrations of the value to society of the cardinal virtues in business life, as to make it desirable to record the more prominent examples of personal commercial integrity and success for the high purposes of instruction and honorable commendation. Men who live in the eye of the public as incumbents of office, conferred by suffrages of the people, reach places in history by the force of circumstances, as well as by personal worth and the faithful employment of great abilities for the good of the nation. Men in business life can only rise into prominence and become objects of high consideration in public estimation by the development of the noblest attributes of manhood in enterprises that largely effect the well-being of communities. The accidents of birth and fortune and the adventitious aids of chance and circumstance can do little to give those men position in history whose resources are within the limits of their brains and their hands.

The subject of this paper finds an appropriate place in the history of those men of business and enterprise in the

state of Michigan, whose force of character, whose sterling integrity, whose fortitude amid discouragements, whose good sense in the management of complicated affairs, whose control of agencies and circumstances, and whose marked success in establishing large industries and bringing to completion great schemes of trade and profit, have contributed in an eminent degree to the development of the vast resources of this noble commonwealth.

The biographical data in Mr. Wright's history claim a brief space. He was born in Grafton, Windham county, Vermont, July 5, 1822. His parents were natives of the same "Green Mountain State." He justly regards with pride and satisfaction his New England parentage, and has the strongest attachments to his native state. The love of freedom, the independence of character, the stern virtues of patriotism, and obedience to law and authority, that characterize her people, belong to him as one of her worthiest sons. The history, the institutions and the Revolutionary memories that associate the "Green Mountains" with all that is dear and precious in the story of American independence, serve to make Mr. Wright's recollections of his early life a benediction upon his heart. His

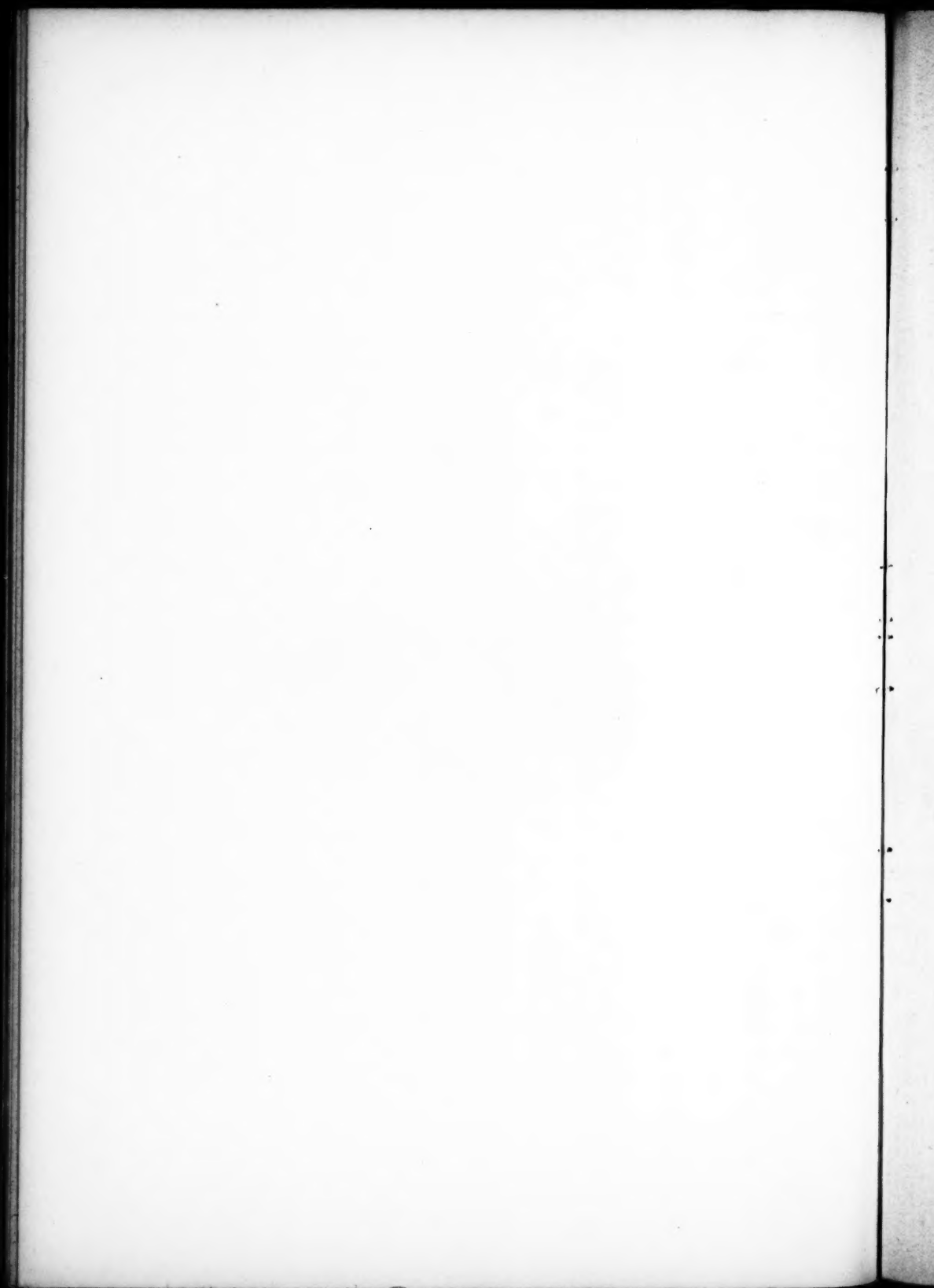
* This sketch was written and furnished us by Rev. T. C. Gardner and Hon. John Moore.



Magazine of Western History

C. A. M. Knight

Engd by E. G. Williams & Co. New York.



father's family, comprising seven sons and three daughters, after the good old New England type, removed to Rockingham, Vermont, where he received his education at the district school, his school life closing at the age of seventeen. The next three years of his life were spent in farm work, where the soil and climate made rigid economy and thoroughness necessary to success, and where he acquired a real love of agriculture and a manly admiration of fine horses and fine stock. Exchanging the country for the city he resided in Boston for a year, learning primary business lessons in the school of experience under the tutorship of his own mother-wit, and making the world's acquaintance amid scenes and excitements and activities calculated to start his mind into new methods of action. Returning to Vermont in 1844, before the age of railroad enterprise and rapid transit had changed the old ways of doing business and making money, he engaged in the carrying trade between Rutland and Boston, taking produce from the country to the great city and bringing back manufactured goods to the village merchants. Two years of activity in this line, in which he accumulated some capital, ended his transportation business for the present, and the next year he managed a hotel in Bartonsville, for Jeremiah Barton, and in 1848 married Miss Harriet Barton, the eldest daughter of his employer, and leased his hotel. A year afterwards he removed to Boston and leased the Central Hotel, on Brattle Square, but in a few months concluded to leave the east and seek

his fortune and make his home in the west. His various changes and experiences in incipient business life qualified him for a larger field in which his energy, self-reliance and restless ambition were to find their appropriate sphere of action, and to work out results far surpassing his fondest dreams and expectations.

The summer of 1850 found Mr. Wright and his family in Detroit, then a small undeveloped city which together with the whole county of Wayne embraced a population of 42,756. It is now one of the most beautiful cities in the Union with a population of about 150,000. Michigan at that time was a state whose resources were quite unknown. The lumber, salt, copper and iron interests existed only in embryo. The Central railroad had reached New Buffalo. The Michigan Southern was in process of construction. The Detroit and Grand Haven extended twenty-five miles to Pontiac. The whole number of miles of railroad was three hundred and forty-two. The miles of railroad in the state now amount to about seven thousand. The population of the state in 1850 was 397,654. It now numbers about two million.

Among our manufacturing industries lumber took the lead, and the Saginaw Valley soon became the chief seat of the lumber interest. Mr. Wright fixed his eye on this business as his leading and permanent occupation, and in 1851 he came to Saginaw. Saginaw county then embraced what is now included in seventeen organized counties, having only a population of about two thousand. The

same territory now numbers a population upwards of two hundred and fifty thousand, comprising vast ranges of beautiful farms and populous cities. The lumber interest has grown from ten millions of feet in 1851, to over one thousand millions of feet in 1886. Saginaw in 1851 had a population of three hundred, while it now has within its limits fifteen thousand souls. East Saginaw then had but a handful of people. It now has twenty-five thousand inhabitants. A rope ferry connected the two towns. The first year of Mr. Wright's residence in the Saginaw valley he devoted to prospecting lands contiguous to the Cass, Flint and Tittabawassee rivers, personally inspecting large tracts of pine, bravely enduring the hardships of pioneer life. He had the enviable fortune of choosing the finest pine in the state, and commenced his lumber operations on the Cass river in the vicinity of the present village of Caro. He first put in two million feet of logs, running them down to Saginaw and disposing of them to the mills, which in 1853 numbered thirteen and manufactured about twenty-five million feet of lumber, sent by water to Buffalo, Milwaukee and Chicago. Up to 1859 lumbering was principally done on the tributaries of the large Saginaw river, leaving a distance of one hundred miles on Saginaw Bay an unbroken mass of choice timber, to become the scene of future operations.

From 1859 to 1865 Mr. Wright prosecuted lumbering operations quite extensively in connection with Messrs. Miller & Payne. The firm of Miller, Payne & Wright purchased what was called

the "Big Mill" of the Farmers' and Mechanics' Bank of Burlington, Vermont, and refitted the mill with the best machinery that could be procured, and prosecuted business with great energy, notwithstanding prices were not very remunerative, cargoes in 1859 bringing only three dollars and fifty cents for culls, seven dollars for common, twelve dollars for second clear, and sixteen dollars for clear when delivered in Chicago. In 1865 the firm of Miller, Payne & Wright was dissolved and was succeeded by that of A. W. Wright & Co., the company being J. H. Pearson of Chicago, who supervised their large lumber yard in that city. In 1871 Mr. Pearson retired from the firm. At that time Mr. Wright extended his operations by establishing the lumber firm of Wright, Wells & Co.—Charles H. Davis and Reuben Kimball being the company—at Wright's lake, Otsego county. In 1881 Messrs. Wells and Kimball retired from the firm, and Wright & Davis continued the business. In connection with their lumbering interests Messrs. Wright & Pearson, in 1867, established a lumberman's wholesale supply store at Saginaw, associating with themselves Messrs. Northrup and Wells. In the year following Mr. Northrup retired from the firm and Mr. F. C. Stone took his place, and from that date the business has been conducted in the name of Wells, Stone & Co. In 1871 Mr. Wright bought out Mr. Pearson's interest, and Mr. Pearson retired from the firm. This firm became widely known by its probity and success, and extended their large business by the purchase of thirty thousand acres

of pine land in Roscommon, Gladwin and Clare counties. They established a lumbering plant, built thirty-two miles of railroad, properly equipped with three locomotives and other necessary rolling stock, and cultivated a farm of one thousand acres. In 1882 the "A. W. Wright Lumber company" was organized and incorporated with a capital of one million and a half of dollars, with A. W. Wright, president; Charles W. Wells, vice-president; F. C. Stone, treasurer; W. T. Knowlton, secretary; and W. H. Wright, mill superintendent. The firm of Wells, Stone & Co., with all their lands, railroad and lumber interests, and also the firms of A. W. Wright & Co., and Wright & Knowlton at Saginaw, comprising saw mill, salt block, planing mill and lumber yards, were all merged into this corporation. The lumbering operations of this corporation in all the above named counties embrace the cutting and rafting of logs to their own mills, to the amount of forty millions per year. In addition to the business of this corporation Mr. Wright's organizing genius and capacity for work are seen in the operations of the firm of Wright & Ketcham, carried on exclusively in lumbering in the counties of Gladwin and Midland, where they put in forty millions of logs yearly with a force of four hundred men.

Mr. Wright's agricultural tastes, formed in his native Vermont, constitute an agreeable element in his character and have found practical expression in his love of improvement and in his appreciation of fine farms with their beautiful landscapes of meadows, grains

and fruits and forests. Early in his Michigan activities he cultivated a large farm in Genesee county where his family enjoyed the advantages of home life amid rural scenes and industries congenial to virtue and domestic felicity. At the present time he has large grazing lands in Texas, Dakota and Montana that are devoted to profitable industry, fine sheep and cattle and horses coming within the range of his calculations. His delight in improvements and his interest in whatever comes under the head of progress are seen in the town of Alma, Gratiot county, Michigan, which is mainly his creation, having a population of nearly two thousand souls, its situation being remarkably pleasant, surrounded by beautiful farms. It has good sewerage, Holly water works, high school advantages, four churches, two wheat elevators, saw, planing and flouring mills, sash, door and woollen factories, four railroads, large stores, a spacious and beautiful hotel, a medical and surgical sanitarium in connection with mineral waters, an expensive educational structure which will probably assume the name and functions of a denominational college of a high order, and a ten acre park, all the result of his enterprise, and involving the expenditure of his wealth to the amount of two hundred and fifty thousand dollars. It is to be a thing of beauty and, it is to be hoped, of joy for generations.

Mention must also be made of Mr. Wright's general business interests, as illustrating his breadth of vision and his comprehensive activities. His fortunes had their rise and growth in

his manifold lumbering business, but they have spread out in nearly all directions of legitimate practical and productive employment of capital. The Tittabawassee Boom company, incorporated in 1864, uses a large amount of capital and handles six hundred millions of feet of logs per year, and owes much of its success to Mr. Wright's business capacity and experience as one of its incorporators and directors, and for many years its highest officer. In 1865 was built the Saginaw and St. Louis plank road, connecting St. Louis, Gratiot county, with Saginaw, thirty-five miles in extent, and opening a market for a large farming country. Mr. Wright's time and means contributed largely to the success of this enterprise.

In 1872 the Saginaw Valley & St. Louis railroad was deemed a necessity. A company was formed with Mr. Wright as treasurer, and, notwithstanding many difficulties, through his characteristic energy the enterprise was begun and carried to completion.

The First National Bank of Saginaw, with a capital of two hundred thousand dollars, organized in 1871, has been one of the most successful banking institutions in the state. For nearly the whole period of its existence Mr. Wright has been its president. He has been president of the Commercial Bank of Mt. Pleasant, Michigan, from the date of its organization to the present time; is also president of the Merchant's National Bank of Duluth, Minnesota, and holds position of director in the First National Bank of Saratoga, New York,

and in the National Bank of Commerce, Minneapolis, Minnesota, and has banking interests in Alma, Michigan. His commercial interests are largely centered in Detroit, Duluth, Louisville and Minneapolis. He has investments in one of the largest sash, door and blind factories in the state of New York, located at Oswego; in the "Advance Threshing Machine Company," Battle Creek, Michigan, and in the Saginaw Manufacturing company at Saginaw.

This brief view of Mr. Wright's business career and interests shows him to be an extraordinary man. His personal history exhibits the highest and noblest attributes of character. A man of such native endowments and resources, with proper training and education, could command large armies, organize governments and administer the affairs of an empire. His life has been one continuous scene of incessant activity and almost uninterrupted success. His achievements suggest a study of the man, his character, his qualities, his methods of action, his peculiar power to grapple with the forces of life around him, and to wield the agencies of nature and humanity that are essential to the attainment of real greatness in a long and varied career of business. Such a study would require the space of a volume, and so must give place to brief reflections and observations.

An eminent citizen of Saginaw, one of Mr. Wright's many intimate friends, and well qualified to give sound judgments of men and things, thus speaks of him:

Mr. Wright is a strong man, physically and men-

tally; of great business capacity, a thorough organizer; good in the generalities and details of business; strong in his friendships, sometimes almost to the point of danger, never willingly giving up one in whom he has trusted; always willing to help the worthy, but sometimes turning a deaf ear to an applicant for his bounty who has not learned the pathway to competency by industry and economy; strong in his dislikes of men whom he does not believe in as honest or worthy of trust or who may have once betrayed his confidence; strong in his convictions of right and in his hatred of the tricks of business of which some even boast. His integrity stands as an unquestioned fact in his history. Born to lead, his varied experience in commercial enterprises makes him a safe counselor and guide. Naturally modest and diffident, he is independent in thought and, when a conclusion is reached, firm and unchanging. He is a proud man, but his pride is an honest pride in a good name among those who know him best. He stands to-day in his mature years a strong man; strong in the consciousness of well-spent years; strong yet to plan and perform; strong in his credit and good name, and a worthy example for young men to pattern after as showing what intelligence and probity may accomplish in the way of success in life.

This excellent statement of the main elements and features of Mr. Wright's character, coming from a well-disciplined, judicial mind, accustomed to clear and accurate observations upon society, is such praise as can be rarely bestowed in full measure on any man in any of the walks of life; but the community in which Mr. Wright has spent so many years of busy activity will fully indorse it as a just and noble tribute to his well-tried worth. It is now obvious at a glance that the main element of success in Mr. Wright's career is what men call honesty, integrity, reliability, principle, a steadfast adherence to convictions of right. Such an attribute of power is always found in connection with a great natural conscience. It stands in oppo-

sition to all sham, pretense, expediency, policy in the high matters of life and business. It gives such firmness to character and such reality to personal history as the very mountains give to the native state of Ammi Willard Wright.

When integrity is well balanced by energy it is evident what important relations it sustains to what we may call administrative functions in business life. Plans are to be made, they are to be executed, and it is in their execution that difficulties must be encountered, that financial engagements must be met, and that persistency must come into determined action. No man ever achieved the highest success in business who did not encounter difficulties and overcome obstructions. Mr. Wright himself has been no exception to this rule. When he had been seven years in Michigan a financial panic made him poorer than he was on his arrival in the state. Men went down to whom he had entrusted his interests, but he did not go down. His ability, his pluck, but above all his good name, his credit, his integrity, saved him. There thus comes a time in life when character is seen to be more valuable than money. He at one time, through the failure of a deceiver, had to take care of endorsed paper to the amount of one hundred thousand dollars, but no note went to protest, no time was asked for, and his credit rose to the highest point in the scale of commercial integrity. The man who plans to meet all his engagements and responsibilities is the man who compels success.

The grand faculty of grasping a busi-

ness scheme in its entirety, including its general features and its details as well, is very fully manifested in Mr. Wright's business life. He engages in no enterprise without first concentrating his mind upon it and holding it in contemplation until he sees it in all its parts and complications and becomes its master and creator. It unfolds from his mind in its progress to completion, and its details are so scanned by his eye and manipulated by his genius for method and economy that losses, small in items but large in aggregates, are not permitted to endanger the success of his undertakings. The capacity of Napoleon for managing the details of great designs, is a prominent fact in his wonderful history.

Mr. Wright's insight into character was another element of his eminent success. There is a striking analogy between the execution of a military campaign and the execution of large business schemes. Success depends so largely on coadjutors and subordinates that a commander's fitness for his position turns at last on his judgment of men. Selecting the right men and putting these right men in their right places, success may be reduced to a certainty. Mr. Wright's faculty of discernment served him excellently in his management of business, but as no man is proof against deception, when an error in judgment became obvious, like a good tactician he knew how to change his adjustments to meet emergencies. It is here that nerve finds its appropriate place in business and enables a master mind to bring victory out of defeat.

Mr. Wright's interest in his employes and his great sympathetic qualities here find fitting place as a factor of success in his business life. Fairly understanding men, he was not afraid to trust them, and the confidence he so generously reposed in them inspired them with strong attachments to his person and his fortunes. Their fidelity and devotion to his interests always met with ample rewards. It is safe to say that every young man in Mr. Wright's service, showing himself worthy of his confidence and forming a business character on his own great model of integrity and efficiency, has been so directed in his pursuits and so generously aided by his employer as to find himself in possession of both an enviable position and fortune. They have his sympathies and friendship to such a degree as to enrich their own business life with noblest qualities and impulses. And well has Mr. Wright been repaid for his kindness, his sympathy, his generosity to those in his employ by the steady march of his accumulations to an ample fortune, thus furnishing an illustration of the truth of an old maxim: "He that watereth shall be watered himself." Mr. Wright's business career has been singularly free from all troubles involved in the relations of capital to labor. The attachments and friendships that associate themselves around his personal existence make his life a rich inheritance as thoughts of age steal in upon his vigorous understanding.

The highest relations that man sustains to society and his race furnish the concluding observation on Mr. Wright's



Signature of William H. Avery

William Avery

Engraved by E. J. W. H. H. & Co. New York.

business history. For many long years he has steadily manifested the noble virtues of liberality and philanthropy. He has ever been the intelligent friend of all material improvements and all civil, social and religious progress. He has done much for all the business interests of his section of Michigan. He has made generous contributions to all the objects and agencies of benevolence and philanthropy that made a suitable appeal to his intelligence and judgment. But there has been no ostentation about his charities and benefactions. Plain and sensible in his tastes and manners, thorough and substantial in all his doings, he aids and supports all worthy institutions much less from impulse and sensibility than from the exercise of his judgment in reference to practical results. He has a high appreciation of enlightened public sentiment and does not venture in any direction with great gifts where a chilling atmosphere may not invite the operations of a bounty that obeys the law of a coöperative industry. The highest type of philanthropy helps those who willingly help themselves. What large schemes of good, through the thoughtful bestowment of wealth, Mr. Wright may have in contemplation, are known only to himself. From the eminence of life and fortune he now occupies, his clear vision may circumscribe some grand results of his great business career that shall give his name and memory a permanent place in the records of history. His wonderful constitution and strength give him promise of many years of activity before his final retirement from

the all-engrossing pursuits of his busy life, and the wishes and prayers of his friends and the community at large converge in the confidence based in their knowledge of his character that his sun at last shall set in the mellow radiance that streams from the horizon of earthly existence to the zenith of immortality, so that *at evening time it shall be light.*

III.

NEWELL AVERY.

Among the pioneers in the development of the lumber business of Michigan, and high in honor in the list of the liberal and enterprising business men who have shared in building up the great material prosperity of to-day, stands the name of Newell Avery, who spent the last twenty-six years of his useful life and won his greatest business success as a citizen of that state.

Newell Avery was born in Jefferson, Maine, the twelfth day of October, 1817. His parents were worthy descendants of Puritan ancestors who had preached the faith and fought for American independence. Enoch Avery and his wife, Margaret Shepherd, were born in the old Bay state, but came with their parents to Wiscasset, Maine, after the Revolution, and settled on the land that is occupied to-day by their children of the third and fourth generations.

Enoch Avery is still remembered as a man of heart and brain that matched his large stature and great physical strength. He was, like most of his neighbors, a farmer and lumberman,

strictly honest, self-denying, hard-working and devout as his wife, so that the children were constantly under desirable moral influences. Newell was but eleven years of age when his father died, leaving to his widow little beside the farm for the support of herself and ten young children. In such a family, in those days of primitive living and in a region where hard work was the rule and luxury the exception, the boy began so early to labor in aid of the family support, that he can scarcely be said to have had a childhood. For education he had only what could be obtained at the district school of the neighborhood, and when but fourteen years old, an age when most boys think only of their sport, we find him engaged as a hand in a saw-mill in the Maine woods. From that day until the end of his life he resembled his father in most respects, was a tireless worker, for whom no undertaking was too small to be attempted with energy and full sincerity of purpose, and none seemed too great or complicated to be carried to success by his unaided efforts.

When he presented himself for employment to the owner of the mill above referred to, it is related that the latter doubted his capacity and hesitated to employ him, by reason of his youth. The boy, however, feeling that, should he only procure work and an opportunity to prove his willingness and ability, the matter of wages would easily adjust itself, offered to work for any wages which he might be deemed to earn when tried, and was employed upon these terms in the peculiarly arduous labor of

the mill and woods. Within a year, the "white headed boy" found his wages voluntarily increased until they were nearly as great as those of the strongest and most experienced man about the mill.

An admiring and appreciative friend, in speaking of this period of Mr. Avery's life, describes him as having been a "boy miser," saving every cent that he was not actually compelled to spend, but saving it all for the mother whom he sincerely loved and who so sorely needed even the slender aid he could give her. His mother did not live to see the day of his fullest prosperity, but he made it his first duty to insure her comfort, and so long as she lived she never lacked for anything he could buy. The value to a young man in the formative stage of having some one dependent upon his efforts was demonstrated in his case. He was taught to save, under the stern preceptorship of necessity; he was taught not to hoard selfishly, by the warm promptings of filial love.

The history of the years intervening between the beginning of the boy as a mill hand and his emerging as a man of independent business, cannot be told in detail in this paper. Like much of the most valuable of the world's work, it is entirely lacking in the sensational, and is marked by the monotony of self-denial and constant labor that everywhere serves for the building of character and the accumulation of wealth. There were long and toilsome isolation in the woods, the laborious and hazardous work of the "drive," and the scarcely

less exhausting work of the mill, repeated year after year. All the time, however, the young man was serving an invaluable apprenticeship. Not only was he developing physically and mentally, winning the confidence of those about and above him and laying up some portion of his wages, year by year, but he was winning a practical and complete mastery of his life's business in its minutest details, and it was this mastery, added to his own great natural capacity, that gave him so great a leverage in later years. When, from his office at Port Huron and Detroit, in the sixties or seventies, he directed the movements of the great and complicated machinery of his business, working in many fields, representing an enormous investment and employing the brains or hands of an army of men, it was the experience of this time of heavy labor and small reward, that made possible his command at once of the broad enterprises and the minute detail of his business and so accounted for his success.

From the condition of a mere wage-worker Mr. Avery passed toward independence in the way common among the ambitious youth of Maine in those days, when the individual struggle was still against individuals and not against combinations. He bought a small tract of pine land, felled the timber, sold the logs to larger lumbermen, added to his profits, bought more extensively and repeated the process, gradually increasing his capital in preparation for larger ventures. At times he rented mills or the use of saws in mills, and operated them under his own eye

and with the aid of his own hands. Such operations were temporary in their nature, being merely such ventures as from time to time seemed to offer safe and speedy return. They were usually carried on in connection with some one as ambitious and not much richer than himself, and it was thus that he came into association with Jonathan Eddy and Simon J. Murphy, two men with whom he was destined to form relations which only death should terminate, and with them to win a broad success and liberal reward of wealth.

Passing by the temporary relations which he bore to each from 1840, I come to the year 1849 when Mr. Avery came into the firm of Eddy & Murphy, organized during the previous year, and the name of which was altered upon his succession to Eddy, Murphy & Co.

Mr. Eddy was a man of greater means than had either of his associates, and his interest in the firm was then one half while Messrs, Murphy and Avery had each one quarter. At the outset the firm was not one of large capital, and its earliest dealings were comparatively small, but its success was from the outset distinct and grew steadily under masterly management and untiring labor until few if any lumbering firms in the United States equalled it either in the volume or profit of its business.

At first the firm of Eddy, Murphy & Co. confined its operations to the Penobscot region, with headquarters at Bangor, and large interests in mills and pine lands at various tributary points. Mr. Eddy usually remained in the Ban-

gor office but his younger partners were either constantly in the woods, superintending and assisting in logging, or at the mills attending to the cutting of the lumber. They gave to their own affairs the same close attention that had won them both favor from their employers, and so far as manual labor is concerned Mr. Avery worked, if possible, harder in these days than when he was an employè.

Not long after the establishment of the firm of Eddy, Murphy & Co. the senior partner found himself in a position where he was obliged to take certain tracts of pine lands, on Pine river, emptying into the St. Clair. At his request Mr. Avery, whose judgment as to timber lands was remarkably accurate, made his first visit to Michigan to inspect these lands. At a glance he saw the great possibilities afforded by the state to the lumberman, and recognized its manifest destiny as the principal source of pine lumber production for many years. He wrote back a glowing report of the result of his prospecting tour, and urged that the firm make investments in the new field, as an outlet for an energy already too large for the diminishing fields of the Maine region. His advice was promptly accepted. In 1853 he removed with his wife and family to Port Huron, then little more than a lumber village, and from that time until his death represented the firm of Eddy, Murphy & Co., and its successor, Avery & Murphy, in the management and increase of their Michigan business and investments.

He first confined his operations to Black River in St. Clair county, but extending as his own judgment dictated, he at length came to stand at the head of enterprises which, during one year, put into Michigan rivers nearly one-tenth of the entire season's cut of the state of Michigan.

Great tracts of pine land were located along all the great rivers of the state, except the Au Sable and the Manistee, the territory reaching as far north as Cheboygan and comprising many of the choicest portions of the Muskegon valley on the west. In the Saginaw valley alone Mr. Avery purchased for the firm many thousands of acres of most valuable land.

Thus, in many regions of the state, were carried on gigantic and simultaneous operations, logging, rafting, cutting, shipping, selling and buying of land and incidentally, the heaviest and most taxing financial arrangements. All this was done under the supervision of Mr. Avery, and his partners in the distant east were quite willing to be governed entirely by his judgment.

In nothing was his practical wisdom better displayed than in his method of managing these vast and complicated interests. Recognizing that no human being could give more than a very general oversight to all, and that a wide discretion must rest with subordinates, he early adopted the policy of binding these subordinates closely and securely to the interest of the parent firm by giving each a share in the profits of the particular enterprise in which he was engaged. This policy he pursued

to the last, and was at one time at the head of thirteen large firms, numbering twenty-six partners, and located in Detroit, Port Huron, Bay City, East Saginaw, Alpena, Muskegon and Chicago. The wisdom of his policy was amply vindicated by results, but these would doubtless in many cases have been far less fortunate had he not possessed a marvelously accurate judgment of human nature and a Napoleonic capacity for binding men to his service. In so vast a business so conducted some disappointments were certain to occur, but the general history of the business was one of uniform success and of absolutely unimpeachable credit. Before Mr. Avery's removal to Michigan, the firm of Eddy, Murphy & Company was so reorganized as to give to each of the partners an equal interest. Mr. Eddy remained in charge of the office at Bangor, Mr. Murphy took charge of the field work in Maine and Mr. Avery, as has been said managed the Michigan business.

In August, 1864, Mr. Eddy died very suddenly and important changes in the business of the firm followed at once.

As soon as possible, all its interests in Maine were closed out and the surviving partners, purchasing the Eddy interest, Mr. Murphy removed from Maine to Detroit and Mr. Avery changed his headquarters from Port Huron to the same city. From that time the business was carried on under the firm name of Avery & Murphy, with principal offices at Detroit. The policy of the firm remained unchanged, its interests constantly grew and its success

became greater, year by year. The partners, as such and individually, made large real estate purchases in Detroit and elsewhere as matters of investment and their timber lands were increased whenever a favorable opportunity presented itself. Thus in the enjoyment of a rich reward for the arduous labor of many years, secure in the respect which is readily paid to honestly won success, and in the affection that readily goes out to wealth kindly and generously used, Mr. Avery led a busy but even life until the thirteenth of March, 1877, when in the fullness of his power, what was deemed a curable illness caused his death.

But a few words more are necessary regarding Mr. Avery's business career. One fact is quite unprecedented in the case of one whose transactions were so enormous, that in all his varied business life, not a dollar of his own paper or that of any of his affiliated firms was ever offered for discount. He hated debt and all its attendant train of anxieties and burthens, and always kept at hand ample means for carrying out his projects. No consideration of future profit was enough to induce him to abandon this policy which was, in fact, a principle.

A business life conducted on such principles, personal supervision, tireless industry, prudence and economy, could not fail to yield great wealth, and great wealth was Mr. Avery's reward. This he transmitted to his wife and children clear of any taint, odor, or suspicion of any dishonesty or meanness. It was fairly earned, liberally administered

and, unlike too many fortunes, might stand as the monument of him who earned it, and no child of his would have cause to blush.

In politics Mr. Avery was a Republican from the founding of that party until his death. He was one of those who stood under the oaks at Jackson, in 1854, and took the unnamed party from its nurse's arms.

He was a politician in the best sense, in that he ever took an active and unselfish interest in the affairs of his country, state and city. His advice was eagerly sought and freely given, in political as in business matters and his sagacity was scarcely less in the former than in the latter. He was always ready to give freely of his time and means to secure the election to office of men whom he deemed in the highest sense suitable, but he never sought or would accept office for himself. His championship of those whose cause he assumed was always active, yet out of the hottest contest he came without a shadow of malice and bearing the respect of all opponents.

Mr. Avery resembled his father in stature and strength; was six feet in height, well proportioned, and athletic even in middle age. In dress and manner he was quiet, unpretending and modest, almost to shyness. Only among his closest friends did he quite throw off restraint; then he appeared as a man of brains, wit and ideas, and his conversation proved how thorough had been the process of self-culture. An intimate friend, when asked why Mr. Avery had made so many life-long friends, replied :

It was not because of his superior judgment in business matters ; it was not because he had been a very successful man in a financial way ; it was not on account of his influence, which was very great ; it was because of his kind and sympathizing heart ; his willingness to lend a helping hand to anyone worthy of being helped, and even to those he hardly knew. He had a tender chord that few men can preserve who have had to struggle through the world. He was eminently a true man, and could be relied on in all emergencies.

As illustrative of his kindness, Mr. C. mentioned a little scene that came under his observation. They were in the Chicago office when a young lady entered with some engravings she offered for sale. Mr. Avery said to her that he did not want any of her pictures and resumed his reading. His friend spoke of the discouraged expression she wore as she went out, and said he thought it a hard way to earn a few dollars. Mr. Avery sat thinking a few moments, then, without saying a word, he took his hat and went out. After a few moments he came back with the young lady, spoke to her in a kind, deferential way, asked her to sit down and rest, and bought all the engravings she had in her portfolio, although he never had the least interest in art. He had helped her in the only delicate way he could offer assistance, by buying all her stock in trade.

Mr. Avery's family relations were singularly happy. In the year of 1840 he married, at Eddington, Maine, Nancy Clapp Eddy, a sister of his partner—Jonathan Eddy—daughter of Ware Eddy and great-granddaughter of Colonel Jonathan Eddy, who is well known in the early history of Maine and the Revolution. The town in which she was born was part of a grant to her great-grandfather and named in honor of him. Mrs. Avery also inherited



Engraving by J. H. Smith

Yours Truly
Aug. C. Baldwin

sterling qualities from Puritan ancestors, who were well known in Plymouth and eastern Massachusetts—the Eddys and Clapps—and was a helpmeet for such a man as Newell Avery in habits of life, large heart, brain and physical endurance.

In the address as a memorial of Mr. Avery, the pastor, Dr. Zachary Eddy, uttered some words which I may well quote in closing this sketch :

He knew that the future of Michigan must depend on the intelligence and moral stamina of her population. Hence he was an earnest and munificent friend of schools, churches and other institutions which tend to the enlightenment and moral elevation of the people. I have heard him talk by the hour of the importance of education. Though I regarded him as one of the best educated men I ever knew, he

was continually lamenting his early privation of books and schools. He was an ardent friend to our public school system and to our noble state university, but the special object of his affection and liberality was Olivet college, of which he was an honored trustee. . . . According to his own views of Christian duty, he was a faithful member of the Church of Christ. He was not a man of raptures, but of principle, and his Christian experience was marked by the doing of the truth rather than by zeal for doctrine. . . . He was no sectarian ; the one church he believed in was composed of all who loved God and man and worked righteousness. . . . His benevolence was unostentatious, but genuine and large. He was careful, as far as possible, not to let his left hand know what his right hand was doing, but that right hand was often employed in dispensing alms. . . . He was faithful unto death. His memory will be a sacred inheritance to his children. It will be cherished by a multitude of friends. It will be fragrant in this church, which he loved so well.

WALTER BUELL.

MICHIGAN JURISTS.

III.

AUGUSTUS C. BALDWIN.

As THE river whose deep and steady current, winding among fair landscapes, past blossoming fields and through busy towns, blessing millions of people and enhancing the wealth of nations, yet affords little of that wild and romantic scenery which startles the traveler or delights the artist ; so those lives which contribute most toward the improvement of a state and the well-being of a people, are seldom the ones which furnish the most brilliant passages for the pen of the historian or the biographer. There is in the anxious and laborious, an honorable competence and a solid

career of the business or professional man, fighting the every-day battle of life, but little to attract the idle reader in search of a sensational chapter. But for a mind thoroughly awake to the reality and meaning of human existence, there are noble and immortal lessons in the life of the man who, without other means than a clear head, a strong arm and a true heart, conquers adversity, and toiling on through the work-a-day years of a long and arduous career, sits down at the evening of his life with good name.

Such a man is the subject of this

article ; and it is to those who appreciate the value and would emulate the excellence of such lives, that the writer would address the remarks which here follow.

Agustus Carpenter Baldwin was born at Salina, Onondaga county, New York, December 24, 1817. He is the seventh in lineal descent from Henry Baldwin, of Woburn, Massachusetts, who, according to the earliest records of the family, came from Devonshire, England, and settled in Woburn shortly before 1650. The father of Augustus C. was Jonathan Baldwin, born in Canterbury, Connecticut ; his mother, Mary Carpenter, whose name he bears. He was the eldest child and only son in a family of three children (Augustus C., Pamela, and Mary). His father was engaged in mercantile business ; but, like many of the pioneer settlers of western New York, possessed slender capital, so that at his death, which occurred at Salina in 1822, his family were left in somewhat straitened circumstances—the children being all young, and the husband and father their only stay and provider.

Thus left an orphan in his fifth year, the boy Agustus was committed to the care of an uncle, a former partner with his father, who resided subsequently at Canterbury, Connecticut. Here Augustus attended the schools of the vicinity, and rapidly acquired the essential elements of a sound English education. His advancement is evidenced by the fact that at the age of nineteen he taught the school at Canterbury. The next season he attended the academy at Plainfield, Connecticut, and with this

closed his sojourn in New England. The limited advantages afforded to young men of energy in the eastern states, caused him to turn his eyes toward new and wider fields. In the fall of 1837 he set out for the great west. On the twelfth day of November, in that year, he arrived in Oakland county, in the then newly admitted state of Michigan, and during the ensuing winter taught a public school in Southfield. For the next five years he taught and studied by turns, delving all the while as deeply into history and standard literature as the time and books at his command would allow.

Having determined upon the law as his profession, he began reading under the tuition of John P. Richardson, esq., of Pontiac, Michigan, in 1839. During this time he took advantage, also, of the facilities afforded by the branch of the State university then located at Pontiac, for higher advancement in his academic studies. Subsequently he entered the law office of the Hon. O. D. Richardson, at Pontiac, and there continued until his admission to the bar, in 1842.

In June, 1842, he settled and began practice at Milford, in Oakland county, Michigan. It was during his nearly seven years' residence here that he won to himself that solid business confidence, and established those habits of close application, temperance and strict economy, which lie at the foundation of his exceptional success. It was at Milford that he faced and overcame those two mighty obstacles which lie in the pathway of almost every young law-

yer—poverty and obscurity—and there he made the proverbial first thousand.

But the demands of his growing practice made his presence at the county-seat more and more necessary, and in 1849 he removed to Pontiac, where, with the exception of two years' residence upon a farm which he owned in Commerce, his home has ever since been. Since this, his last and permanent location, his career has been that of a busy and successful lawyer—eminent, trusted and honored—with such interspersions of official station and public duty as naturally fall to a man of superior intelligence and high character. He has participated in almost every capital case that has been tried in Oakland or Lapeer county since he came to the bar, and the records of the courts bear his name as counsel through a greater variety and extent of litigation than, probably, any other attorney of Oakland county. For the last thirty-five years Judge Baldwin has not only been an acknowledged leader at the bar, but has also stood as one of the ablest counselors and most courageous champions of the great Democratic party, of which he has from the attainment of his majority been an active and consistent member. He has been an efficient and influential coadjutor with the best men of Michigan in improving and perfecting the government of the state in all of its institutions and departments, as well as in the up-building of his profession and the strengthening of his party, as great instruments of justice and of good within the commonwealth.

A brief outline of his official and public record, aside from his professional and private employments, will serve to show the esteem in which he has been and is still held by his compeers, and in some degree the extent of his services and usefulness.

The first public office ever held by him was that of school inspector for the township of Bloomfield, Oakland county, to which he was elected in 1840. He was elected to the house of representatives in the Michigan legislature in 1843, and served during the sessions of 1844 and 1846. He was appointed brigadier-general of the Fifth brigade of state militia in 1846, and continued such until 1862, when the militia system as then existing was abrogated by law. He was prosecuting attorney of Oakland county during 1853 and 1854.

In 1862 Judge Baldwin was elected a member of the thirty-eighth congress from the fifth district of Michigan, over R. E. Trowbridge, Republican, serving on the committees on agriculture and expenditures in the interior department. In the issue which arose during this congress concerning the thirteenth amendment to the constitution of the United States, abolishing slavery, he voted in support of the amendment, *i. e.*, in favor of its submission to the states for their approval. He was nominated for reelection by his party in 1864, with Mr. Trowbridge again as his opponent. The state had in the meantime enacted a statute authorizing Michigan soldiers in the army to vote in the field. The supreme court of the state, upon a test case, declared the statute unconstitu-

tional. Judge Baldwin received a clear majority of the lawful home vote. Nevertheless, the house of representatives, upon a contest, gave the seat in congress to Mr. Trowbridge, in direct defiance of the decision of Michigan's own supreme court.

Judge Baldwin was mayor of Pontiac in 1874, and for eighteen years—1868 to 1886—he has been a member of the board of education of that city. During this period very important improvements in the local school system have been made, largely through his influence, and the present fine school buildings have been erected. He was active in securing the location of the Eastern Asylum for the Insane at Pontiac, and has for many years been one of its board of trustees—a state appointment. That noble institution, the Michigan Military Academy, at Orchard Lake, four miles from Pontiac, also owes much to him for its remarkable success. He has for several years been one of its trustees, and is now its president. He was for some years president of the Oakland County Agricultural society, and president of the pioneer association of the county. In 1875 he was elected judge of the Sixth judicial circuit of Michigan for the ensuing full term of six years. He presided upon the bench during four years of his term with the ability which his eminent legal attainments would indicate, when the utter inadequacy of the salary (which the state refused to increase by the requisite constitutional amendment) caused him to resign the ermine and return to regular practice at the bar.

Besides having been during the past forty years a frequent member and officer of state and local political conventions, Judge Baldwin was a delegate to the National Democratic convention at Charleston and Baltimore in 1860; delegate at large to the National convention at Chicago in 1864; delegate to the National Peace convention at Philadelphia in 1866, and at different times a member of the National and State Central Democratic committees.

From early manhood he has been a member of the Masonic fraternity, and is a past em. commander of Pontiac commandery, No. 2, of Knights Templar. Though not a professor of religion, his support and attendance upon worship have been bestowed at the Presbyterian church of Pontiac, where his wife is a communicant.

He is slightly above medium stature, standing five feet eleven inches, tips the scale at about one hundred and eighty-five pounds, and is naturally of a strong constitution and robust physical frame. The fine steel portrait which accompanies this sketch is a life-like presentment of his earnest, thoughtful face. By temperate and prudent habits of life his powers have been well preserved, and he is still active and strong for one of his years. He still applies himself diligently to his business, being at the present time solicitor for the Pontiac, Oxford & Port Austin railroad.

This record would be incomplete, especially for those by whom its subject is held personally in highest esteem, if some reference were not made to the individual qualities of mind and heart,

and the modes of life and action, belonging to the man who for more than a generation has been so intimately identified with the affairs of his city, county and state.

The most prominent traits in Judge Baldwin's character are industry, continuity, strong common sense, and that kind of moral courage which people call decision of character. In financial affairs he is prudent and cautious, but just; thrifty, but not miserly. When he gives he gives generously, but not to every petitioner. His industry is unceasing. He is never idle except when asleep, and then he is very busy resting. His mind is clear and accurate, rather than brilliant. He does not reach a conclusion at a flash. He acquires with deliberation, but a subject once mastered is mastered forever. His power as an advocate lies in clear, straightforward reasoning upon the facts of his case. His arguments are severely practical. He is not magnetic as an orator, nor classically brilliant, but he drives home facts and figures with merciless force. He loves poetry, but deals in hard plain prose. Persons who do not know him thoroughly sometimes accuse him of a lack of warm human sympathy. This is unjust. He is positive in his resentments; he cannot tolerate a mean action; he is sometimes harsh in his denunciation of wrong and wrongdoers: but his heart is warm, and he is true in his attachments. He is a steadfast friend, though the act which betokens his friendship may be performed with few words.

His style of living, dress, etc., is char-

acterized by a plain and rich abundance—nothing for mere display, but a generous regard for comfort and good taste. Having amassed a comfortable fortune, he has invested quite extensively in farming lands, and indulges a natural fancy for nice stock, poultry, fruits, flowers and rare plants.

But his ruling taste is for books; and his especial delight, apart from devotion to the learning and literature of his profession, is his private library of general literature and miscellaneous works. This collection comprises over twelve thousand volumes, and is kept at his residence. It has steadily grown under his fostering care through all the years of a long and laborious life—his pet, his entertainer, his counselor, his philosopher and friend—until it has become a part of his being. He turns to it when the day's tasks are completed, as to a sort of soul's rest. In the departments of history, philosophy, poetry and the drama, Judge Baldwin's library is probably unsurpassed by any in the state, except, perhaps, the state library at Lansing and that of the university at Ann Arbor. So constantly has he associated with these thousands of silent friends, that each one has become to him a personal and familiar acquaintance. He loves pictures, and has some fine ones; but they by no means equal his literary treasures.

His wife, whom he married in 1842, and who is still living, was Isabella Churchill, of Pontiac, Michigan.

While another or a different mind, peculiarly endowed, might bear a vast assembly upon the loftiest wave of im-

passioned eloquence; or weave over millions of hearts the raptures of an immortal poem, yet in all that goes to benefit practically the common mass of men, and to bear society forward in all that is meant by that expressive term,

civilization, but few men in Michigan, thus far, can with justice be assigned a place co-equal with Augustus C. Baldwin.

HENRY M. LOOK.

EDGAR COWAN.

THE date of the birth of Edgar Cowan was the nineteenth of September, 1815; the place was near the confluence of Sewickly creek and Youghiogheny river, in Sewickly township, Westmoreland county, Pennsylvania. His ancestry was one-fourth Scotch, one-fourth English, one-fourth Irish, and one-fourth Welsh. On the maternal side, it was of revolutionary stock—his grandfather having been a captain in the patriot army, seeing service through the struggle for independence with a company raised in Cumberland county, in Edgar's native state.

The environment of the child was favorable to his development; his first tutor was his mother, from whom he learned his alphabet; and, at so early an age was he taught, that he afterward often said he could not remember the time when he could not read. He grew to manhood with an unquenchable thirst for knowledge. His first books were the Bible, the Vicar of Wakefield, Robinson Crusoe, Life of Franklin, Pilgrim's Progress, Afflicted Man's Companion and Baxter's Call. To these must be added two or three of Shakespeare's plays and other works—all occupying his spare

time as serious studies for some years; but his appetite for all general reading—novels, poetry, history—greedily devoured the contents of everything readable that was at his command.*

It is one of the traditions of Edgar's youth, that he early had the good fortune to fall in with a blind fiddler of the country, who, like many of his class, was versed in wood lore—filled, indeed, with a vague general knowledge of many things. Boy and fiddler roamed the Youghiogheny region together, imparting to the other such scanty knowledge as each possessed. The boy, young as he was, could tell the blind man the wonders of the 'Pilgrim's Progress' and the sorrows of the 'Vicar of Wakefield'; while the fiddler descanted upon the secrets of nature. What the tree was, he could tell by the feeling of the bark. Although blind, he saw into the mysteries about him; and these he imparted to his youthful companion, who was as ready to learn from this mystic teaching as from books.† And this was nearly

* Dallas Albert, in 'History of Westmoreland county, Pennsylvania,' p. 334.

† See an article in the Philadelphia Weekly Press, of September 21, 1885, by Frank A. Burr, entitled, 'State Celebrities.'

all the training of earlier youth the boy received to fit him for manhood's career.

At the age of nine, young Cowan went to live with his grandparents, who sent him to the district school, but he did not attend regularly; however, he studied with such assiduity that he was soon almost abreast with his teachers in the branches taught—becoming especially noted for his spelling. He was always victor at the "spelling-bees"—so much the fashion in the country in those days. His district-school education ended in his seventeenth year, as did his farming (for, while living with his grandparents, he was, when not at school, hard at work on a farm). He now engaged to teach school; but, after six months at this employment in Elizabeth township, Allegheny county, he quit the business—it was irksome to him. Then he undertook carpenter work, persisting in this for one year, when he abandoned that also. The truth is, the young man was physically sluggish, although mentally active.

Young Cowan now "took to the river." His time when thus employed was spent in "building boats and mining coal down the Ohio. About the same time he ran a keel-boot from various places along the Youghiogheny river, which were accessible, down to Pittsburgh, carrying country produce and bringing back returns in money or merchandise."[†] But his mental activity now took precedence in his determinations; he would fain be a doctor; he would study medicine; so he left the river. He entered the Greens-

burg Academy; remained there six months; acquired considerable knowledge of Latin; then went back to school-teaching; but all the while reading medicine. Suddenly he resolved not to be a doctor. How this came about it is interesting to know. He made preparations to go to Philadelphia to study at the University of Pennsylvania—one of the leading medical colleges of the country. All his preparations were made for the journey. But that night a storm happened to sweep over West Newton, where he was stopping. "What if I were a doctor," he reasoned, "and had to ride, at this time, eight or ten miles in the country to see a patient!" No; he would not be a doctor! And immediately he changed his plans. This was a signal triumph of his sluggishness.

The decision of the young man not to practice medicine as his life-calling did not deter him from pursuing his education generally. Early in the fall of 1838, he went to New Athens, Ohio, and entered the senior class of Franklin college. He maintained himself so well in this institution that he was graduated the next year with the highest honors. He now resolved to study law; so, making his way back to his native county, he began the study at Greensburg, in December, 1839, in the office of Henry D. Foster—meanwhile he taught school to support himself; that is, he engaged in that pursuit during the first year, as the law did not require the first year's reading to be done in the office of his tutor. He was a diligent student, and was admitted to the bar in 1842, at

[†] 'History of Westmoreland County,' p. 334.

Greensburg, at the February term of court. Edgar Cowan was now a lawyer.

We have, however, anticipated a little; we must mention the fact that, in 1840, the law-student was not indifferent to the political questions then agitating the country; the "hard-cider campaign" was, indeed, one well calculated to stimulate his zeal as a Whig (for he was then of that party, though as a boy, he had been a Democrat). He was somewhat conspicuous, along with Joseph Lawrence, of Washington county, James Veech of Fayette county, and Thomas Williams, Moses Hampton, and Dr. William Elder of Allegheny county, as speaker during that campaign. His speeches were notable for their sincerity; there was no clap-trap about them.

Lawyer Cowan was fortunate in the practice of his profession, although clients were not over plentiful at first; however, a fortunate circumstance soon set him upon his feet. John F. Beaver, a prominent and flourishing lawyer determined to sell out his practice and remove to the west. He asked Cowan to buy him out, well knowing the young man had no money but trusting to his honor and ability. The purchase was made; and the arrangement proved mutually beneficial. "Beaver got all his money long before he had any expectation of final payment; and Cowan stepped at once into a large paying practice, which his capacity and industry enabled him not only to retain, but to largely extend."*

In the year 1842, the subject of this

sketch contracted a happy marriage with Lucetta, daughter of James Brison Oliver and Elizabeth Isett Oliver of West Newton, Westmoreland county. The bride was a lady of most estimable qualities and high standing. Of her as wife and mother, we will have hereafter more to say.

Cowan was now settled in life, but as a lawyer he was making his way against heavy odds. At that time the bar of Westmoreland was noted throughout the state for the eloquence and legal acumen of its members. Among those against whom our young advocate was pitted were Judge Coulter, Albert G. Marchand, Henry D. Foster and others. Notwithstanding this array, he held his own remarkably well, soon becoming eminent in fact in his profession. The personal appearance and attributes of the man were largely in his favor. He was tall, full-formed, of a commanding presence, with a voice at once resonant and mellow. To these physical qualities, he constantly added others of greater value. He was always augmenting his store of knowledge, not only of law but of general literature. It is not a matter of wonder, therefore, that his fame as a lawyer was extensive and extending.* His devotion to his chosen profession was seen in the fact that he abjured speculation wholly; the profits of his lucrative practice were spent by him either in books or in whatever else he desired without purchasing any real estate for a rise, or in any way attempting to accumulate a

* Frank A. Burr, in the *Philadelphia Weekly Press*, September 21, 1882.

* Frank A. Burr.

fortune.* But this did not deter him from purchasing a home, which he did in 1850, improving it and making it comfortable afterward, residing in the house then bought to the day of his death.

In this country a successful lawyer is almost perforce a politician. Happy is such an one, generally speaking, can he but resist the temptations of office. But a political career is not necessarily a downward career. To most men, however, when terminated, it is a disappointment. Holding this in view, let us proceed with our narrative. As early as 1844, Mr. Cowan's reputation and character had become so well established that (as a Whig of course) he was chosen a delegate to the national convention at Baltimore, which nominated Henry Clay for the Presidency. From this time forward to the formation of the Republican party and the nomination by it of John C. Fremont for President, he took but little part in politics. It was a period of twelve years duration, occupied by him largely in the pursuit of his profession. He took delight in varying the drudgery of the law by dabbling in scientific research, but he was too averse to manual labor to become a man of science in the proper sense of the word. "He had patience and application sufficient to stuff a bird or analyze a flower with the help of Wood's formula, but nothing more."†

And just here we will give a brief ex-

tract from Mr. Cowan's eulogy of the Bible as contained in an address delivered by him on the twenty-fourth of September, 1846, before the literary societies of Washington college, of Washington county, Pennsylvania: "Its pathos," said the speaker, "often subdues and melts the human heart, or its grandeur of thought and magnificence of promise swells it into proud exultation, which is yet mingled with humility and awe. The realities of its pictures, their life, the boldness and the strength with which they are conceived, are never forgotten; its patriarchs, its kings, its prophets, its poets and its preachers, all occupy the chief place in the world's remembrance of past things. There is no statesman even of yesterday of whom we know half so much as we do of Moses; and we are far better acquainted with the true character of David than with that of Bonaparte, although the history of the one is three thousand years old and contains but a few pages, while that of the other is but recent and fills a hundred volumes."

That Mr. Cowan took an interest in agricultural matters is seen in the able manner in which he discussed farming affairs in an address delivered by him before the Westmoreland County Agricultural society, in 1855, at the annual exhibition and fair of that society. In speaking of the mysterious agents which the chemist introduces to the studious agriculturist, he was particularly happy. "Especially does he dwell," said the speaker, "on oxygen—nature's Ariel—as the active spirit in the universe. How he arouses himself at the first

* 'History of Westmoreland County,' p. 335.

†For this interesting statement, I am indebted to Frank Cowan, of Greensburg, son of the subject of this sketch.

shimmer of the sun's rays as they light on the mountain tops, and begins his day's career of gallantry, dallying in fierce armor with all the elements, mingling himself here and there, and everywhere a universal favorite. In union with hydrogen he forms the water we drink; in mixture with nitrogen he makes the air we breathe; and to him, perhaps, we owe ninety-nine hundredths of all the heat which tempers the earth to our comfort. Perhaps, too, from the same agent comes the light—many-tinted—revealing to us a world of beauty. Certain it is that, in his union with combustible substances, heat is invariably produced as an effect—whether the combustion be sensible, as in fire, or insensible, as of blood in the lungs, or of iron in its rusting. It is also equally certain that whenever this combustion is active and violent, as in fire and flame, all objects within a certain range of it are lighted up in all colors. If we consider him still more closely, he seems to be the tireless and vigilant purveyor of the whole vegetable kingdom, and the medium of its food and sustenance."

But let us now turn our thoughts to government affairs. Stirring times were at hand. The Dred Scott decision, Kansas border warfare, squatter sovereignty as exemplified in the Kansas-Nebraska bill, these created at the north a general awakening of opposition to the slave-power, and Mr. Cowan was not slow to take part in the formation of the Republican party, and in support of Fremont as its standard-bearer. "During all of that memora-

ble canvass, his labors were varied and incessant, so that he was counted among the ablest and least tolerant of slavery aggression." He was a candidate in 1857 among the Republicans for nomination on their congressional ticket, but was defeated. The same thing happened in 1859, when John Covode received the nomination. But this ended his political defeats. They had not been humiliations in any sense of the word, for he had not set his heart upon obtaining a seat in congress; therefore, the disappointments (if such they may be termed) sat lightly upon him.

The legislature of Pennsylvania of 1860-61 was Republican, and there was a United States senator to be elected. Among the candidates was Edgar Cowan. It soon became evident that he would receive a large number of votes, and his election began to be looked upon by his friends with a good deal of certainty. Then a home organ came out strongly in his favor. "It is said," were the words of the *Greensburg Herald*, "that the 'hour brings the man,' so now we have the man for the hour. In Edgar Cowan, Esq., of Greensburg, all the requisites for the position harmoniously combine. Already is he looked upon, by those who know him intimately, as one, if not the most prominent, among the candidates. This being the fact, it is proper that we should now, in brief, give the public at large, not so well posted, some of the outlines of Mr. Cowan's fitness."

"He is a native of Westmoreland county," continued the *Herald*, "now in his forty-sixth year. From infancy

almost he was, like many of the great men of our nation, thrown upon his own resources. At the close of his collegiate course, early in 1840, he commenced the study of the law. During that memorable canvass his eloquent and sonorous voice was often heard in his native county, ably discussing the questions then at issue before the country. He was a decided favorite among those who sang 'Tippecanoe and Tyler too,' and could never avoid being compelled to respond to the calls for 'a speech from Westmoreland's young orator,' made by every political gathering where it was thought he was one of the number present. His career at the bar has been eminently successful, and we think we will not be charged with making any invidious distinctions when we say that, for his diligence, promptness and fidelity to the interests of his clients, the power with which he grasps, and the readiness and clearness with which he unravels all intricate legal questions, as well as his fairness towards an adversary, he now deservedly ranks among those at the head of the bar in western Pennsylvania.*

"When Edgar Cowan," said another paper subsequently, "was first mentioned in connection with the United States senatorship, the questions were almost universally asked, 'Who is he?' 'What is he?' and 'Where does he come from?' His was most assuredly not a state-wide reputation; he had been no office seeker, and very little of a politician; and, outside of his immediate neighborhood his name was al-

most unknown, except, perhaps, to a circle of chosen friends or to the leaders of his political party. We were told, however, by those whose candidate he was, that he was a close student, a man of extensive and varied learning, an able, shrewd and faithful lawyer, a powerful and skillful debater, who would not fail to make his mark in the senate, and above all, an honest man who would yield neither to the blandishments of power nor the lust of gain, but would act on his own convictions of right and duty, be the consequences what they may."

When the time came for the Republicans in the legislature to caucus for their candidate, the principal opponent to Mr. Cowan for the senate was David Wilmot. The former represented the conservative element of the party at that date in the state, and was successful over his radical competitor. Mr. Cowan was elected in January, 1861 for the full term of six years, beginning on the fourth of the succeeding March. He "took his seat modestly and unassumingly, with no flourish of trumpets to herald his fame. He seldom rose to speak during his first session, and his name was but seldom seen in public print except in the votes he gave, which generally seemed to be honest and conservative. Yet, though unassuming, his reputation was fast spreading among those around him, and at the second session he was placed on the judiciary committee, the second of importance of the committees of the senate."

The six years constituting the term of Cowan in the United States senate

* See the *Herald* of December 5, 1860.

were such as emphatically "tried the souls of men." It was the period, as every one knows, when the good and the great men of the north—by a very large majority—declared that the country and the constitution must be saved, especially the country. There were, however, a few great and good men (Senator Cowan among the number) who did not fully grasp this idea in its entirety. They would save the country, but it could only be done in a constitutional way. The country—the Union—had no firmer friend than Senator Cowan, but it must stand, he reasoned, strictly on the constitution as the only hope of its salvation. "To err is human," and the noblest patriot may be found wanting in that regard; but this error, at so critical a time, proved fatal to him so far as all future political aggrandizement was concerned, as the sequel shows. It is believed that had his motto been "not that I loved the constitution less but my country more" in those trying days, great would have been his reward.

It is not a matter of surprise, then, that Senator Cowan should have laid down (as we are assured he did) certain rules for his guidance from which, while in the senate, he never swerved, and which in all his speeches he endeavored to enforce:

1. The Union having been created by the constitution, to violate it is to justify disunion. The north can only justify herself in coercing the south by standing strictly on the constitution.

2. There are two elements to be conciliated. First, the Democratic party

in the free states; second the Union men in the border states and the Confederacy. This can only be done by avoiding all legislation offensive to them, and all partisan crimination of which the secessionists could take advantage.

3. Congress should confine itself to providing sufficient revenue and raising armies, ignoring all party politics.

4. The war should be waged according to the rules of civilized warfare and the laws of nations, as becomes the dignity of the republic.

5. That the war being made to suppress a rebellion, and not to make a conquest of the Confederate states, as soon as the rebels submit the states should resume their functions in the Union according to the pledges of congress on that subject.*

Standing upon that platform, with the courage of his convictions, it will readily be presumed (what is the fact) that he voted against "legal tender," "confiscation," "national banks," "tenure of office," "reconstruction," "Freedman's bureau," "civil rights," "test oaths" and "negro suffrage." But his opposition to measures, or his approval of them, was by no means confined to voting. His powerful voice was frequently heard—and generally with attention. Our limited space necessarily confines us to a mere mention of some of his notable efforts: (1) On the war powers of the government and the suspension of the writ of *habeas corpus*; (2) on the expulsion of Senator Bright; (3) on

* "History of Westmoreland county," p. 335.

legal tender; (4) on the Steubenville bridge; (5) on executive appointments and removals; (6) on civil rights. "In the senate of the United States his startling and vehement oratory attracted an audience, but his sphere of influence was limited. His party hesitated to adopt his views, and the opposition, while applauding his efforts, stood aloof."[†]

"Where does history show," said Senator Cowan, in the senate, on the twenty-seventh of June, 1864, "the failure of any united people, numbering five or six millions, when they engaged in revolution? Nowhere; there is no such case [he was speaking of the Confederates]. What did we do to bring this unity in the south? We forgot our first resolve in July, 1861, to restore the Union alone, and we went further, and gave out that we would also abolish slavery. Now, that was just exactly the point upon which all southern men were the most tender, and at which they were the most prone to be alarmed and offended. That was of all things the one best calculated to make them of one mind against us; there was no other measure, indeed, that could have lost to the Union cause so many of them. It is not a question either as to whether they were right or wrong—that was matter for their consideration, not ours—for if we were so desirous of a union with them, we ought not to have expected them to give up their most cherished institutions

in order to effect it. Unions are made by people taking one another as they are; and I think it has never yet occurred to any man who was anxious to form a particular partnership with another, that he should at first attempt to force the other either to change his religion or his politics. Is not the answer obvious? Would not the other say to him, 'If you do not like my principles why do you wish to be partner with me? Have I not as good a right to ask you to change yours as a condition precedent?'"

"So it was," continued Mr. Cowan, "with the southern people; they were all in favor of slavery, but one half of them were still for union with us as before, because they did not believe we were abolitionists. The other half were in open rebellion because they did believe it. Now, can any one conceive of greater folly on our part than that we should destroy the faith of our friends and verify that of our enemy's? Could not anybody have foretold we would have lost one-half by that, and then we would have no one left to form a union with? We drove that half over to the rebels, and thereby increased their strength a thousand fold. Is not all this history now? The great fact is staring us fully in the face to-day, we are contending with a united people desperately in earnest to resist us. Our most powerful armies, most skillfully led, have heretofore failed to conquer them, and I think will fail so long as we pursue this fatal policy."

The manner of Senator Cowan while in debate in the senate attracted much

[†] From a report of the committee appointed by the bar of Westmoreland county, to prepare a memorial of the deceased.

attention. "You are struck first," says a graphic writer, "with his height, sharpness of visage, and extraordinary powers of voice. In the management of the latter, it seems as if those guttural tones were lowered to the utmost for the express accommodation of men of less altitude and smaller grasp of the perceptive faculties. There is a musical rumble and a most pleasing diction, however, about every period, and such an assumption of power and right figuring in every gesture and mannerism, that it would not be hard to convince the auditors above the floor that this is the Hercules of senatorial debate. Yet there is one other marked and singular characteristic of the speaker that astonishes and overshadows the whole effect. It is the abandon of declamation, the continual sway of that towering bulk, and a haphazard style of putting those stentorian truths, which, in connection with the magnificent roll and volume of voice cannot fail to completely engross and surprise the hearer."

By another observing writer, he is described as "measuring some six feet three inches,* possessed of a voice like the diapason of a small church organ, and a habit of using it in two distinct octaves. Senator Cowan is certainly a most peculiar and impressive speaker, and possesses one great merit, that of never speaking unless he has something to say. When he rises in the central

aisle, and, with his tall figure dwarfing everything about him, sends his rolling voice sailing on the waves of fetid air that forms the atmosphere of the ill-ventilated chamber, he reminds one of the description Carlyle gives of Mirabeau in the French convention of 1789."

But Senator Cowan did not forget the debt he owed the people of Pennsylvania while yet in the senate. He addressed the State Agricultural society, at its exhibition and meeting at Williamsport, Lycoming county, in September, 1865, in an able manner. Upon the subject of industrial machinery, he was particularly happy. "Just two hundred years ago," said he, "in 1665, the Marquis of Worcester announced the discovery of 'a most admirable and forcible way to draw up water by fire.' And this was perhaps the first time that fire was distinctly suggested as a mechanical force. It happened luckily, too, in the beginning, that it was associated with water as the best medium through which its force could be applied to industrial purposes. Nothing has since been found to answer the purpose so well, because, when the fire communicates its force to the water, expanding it into steam, this can be used the same as wind to drive machinery, with the additional advantage that it can be deprived of its power in an instant by the ease with which it is condensed. Here, then, we have a new slave born into the world, unlimited in its capacity for work, perfectly manageable in the hands of a skillful master, unaffected by the seasons, and unwearied by continuous exertion."

* Senator Cowan's exact height, according to "The Reporter," of January 24, 1867, was six feet, three and one-quarter inches; weight one hundred and eighty-six pounds—just one inch taller than Senator Sherman, and twenty-nine pounds heavier.

But let us return to the United States senate. As lawyer, there, Senator Cowan certainly took rank with the best. During the winter of 1863-4, he entered into a law partnership with Thomas Ewing of Ohio, O. H. Browning of Illinois, and Britton A. Hill of Missouri—to practice before the supreme court and other inferior courts of the United States; but a law was passed forbidding members of either house appearing as attorneys in any of those courts, so the senator was obliged to withdraw from the firm. Of the justness of such a law, no right-minded man can have doubts. But the fact of the formation of this partnership clearly demonstrates the exalted place occupied by Cowan as one learned in the law. It is not, then, too much to say that, as a jurist, he was among the very ablest in the senate during the important epochs of secession, civil war and reconstruction.

Why, with such commanding talents, his senatorial career proved a failure, has already been foreshadowed. "He was elected to the United States senate," says the *Greensburg Tribune and Herald*, "by a legislature overwhelmingly Republican during the session of 1861, and took his seat in that body on the fourth of March of the same year. The greater portion of his six year's term, he was not in hearty accord with the party that elected him. His first overt act that tended to alienate him from the great body of his Republican friends was his maiden speech in the senate, in which he defended Jesse D. Bright against the charge of treason and sympathy with

treason, and for which he (Bright) was on the second of February, 1862, expelled from his seat in the senate by a vote of thirty-two to fourteen, Mr. Cowan being one of the fourteen who voted against his expulsion. One of the evidences of Bright's sympathy with treason and traitors was, that on the first of March, 1861—three days before Mr. Lincoln's inauguration—Mr. Bright, who was an ardent Democrat, wrote a letter addressed to "Jefferson Davis, President of the Confederate States," recommending to him a person who was desirous of furnishing him with a superior kind of firearms. This was the beginning of the breach between Mr. Cowan and the Republican party. . . . So much were his party friends in this state [Pennsylvania] excited over his speech in the senate in defense of Bright that the legislature passed a resolution asking him to resign his seat. He and James R. Doolittle ended their political career on the same rock and about the same time. . . . Both were able men, but not able to stem popular public opinion.*

It is but justice to the memory of Senator Cowan to say that he did not "Johnsonize"—he did not "follow Johnson"—as has often been averred. He was too independent for that. His conclusions and determinations, however extreme or unpopular, were those of—Edgar Cowan. And that he was rejected in 1867, while a member of the senate, as minister of the United States at the court of Vienna, was not because

* See issue of the *Tribune and Herald* of September 2, 1885.

of his following the policy of the President; for at that time the opposition to Johnson had not become fixed and formulated; it was because of views which had been previously and publicly advocated by him on questions of government policy.

When Mr. Cowan left the senate, at the close of his term, he settled down again in private life in Greensburg—to be, in politics, thenceforth, “more a reminiscence than a power.” In the Presidential campaign of 1886, he took no active part; in that of four years after he advocated the election of Greeley; so, too, in 1876, he was in favor of Tilden. He was a delegate in 1880 to the Cincinnati convention which nominated Hancock. “With that episode his public life may be said to have taken pause,” although in 1884 he interested himself in favor of Cleveland.

In returning to the practice of the law at his home in Westmoreland county, Mr. Cowan did not return to its drudgery; he assumed only the conduct of important cases, and he continued in the work for over seventeen years. His legal career, therefore, counting his senatorial term as part of it, was of fully forty-three years duration, from its commencement to its close. His practice in the supreme court of his state began in 1845, in “Cover vs. Black” and “Geiger vs. Hill,” 1st State Reports, and runs through one hundred and ten volumes, ending in 1884. “Mr. Cowan was a careful practitioner and tried his important cases with great ability. His power of analysis was acute, his memory retentive.” “His demeanor at the bar was

manly, dignified and honorable.” “Mr. Cowan,” says the *Tribune and Herald*, of a late date, “was not only a fair and magnanimous opponent in the trial of causes, scarcely ever condescending to avail himself of mere technicalities, but preferred to try cases on their merits according to law and the evidence. The late Henry D. Foster and Mr. Cowan were for many years at the head of the Greensburg bar, and public opinion was somewhat divided as to which of them was the greater lawyer. Each had his strong points and each his weak ones. However, it was universally acknowledged that both were able lawyers.”

The degree of LL. D. was conferred upon Mr. Cowan in 1871 by Franklin college, of New Athens, Ohio, of which institution, it will be remembered, he was a graduate. In an address before the Alumni association of that college, on the twenty-eighth of June, of the year just mentioned, he said many excellent things. “Two or three great statesmen, lawyers, divines, poets and philosophers,” he declared, “in any age, are enough to do its heavy work; but in the actual business of life, thousands of medium size are necessary. The world has work in it requiring the capacity of every grade. Plow-boys are as necessary as engineers; boot-blacks as necessary as poets.”

After an illness of nearly a year, Mr. Cowan died on the twenty-ninth of August, 1885, surrounded by all his family except his eldest son, who was absent in a foreign country. The disease which caused his death was scirrhus

cancer, involving the tongue, submaxillary glands, and buccal cavity—the cancerous condition of the mouth, probably, having been brought about by the excessive use of tobacco in the form of cigars, and the localization of the affection determined by an ill-fitting dental plate.*

On the fourth of September, his remains were laid to rest in St. Clair cemetery, in Greensburg, in the presence of a great concourse of people. The only religious service held at the house was the reading of the ninetieth Psalm by Rev. Dr. Moorhead and the offering of a prayer by Rev. Dr. Bracken. The pall bearers were J. F. Woods, Richard Coulter, W. D. Moore, Jno. Armstrong, D. S. Atkinson and Jacob. Turney. Several members of the Pittsburgh bar were present, among them ex-Judge Mellon, Thomas Marshall and Hugh Weir. Charles E. Boyle of Uniontown, was also present.

Upon the occasion of what would have been, had he lived, the seventieth birthday of the deceased—September 19, 1885—a large assemblage convened at the court house in Greensburg to do honor to his memory.

Perhaps no Pennsylvanian ever lived with more genuine intellectual force or with a broader intellectual culture. It was this intellectual greatness, his commanding personal qualities, and his

national renown, that brought together so many people to participate in the memorial of Edgar Cowan. Among the representatives of neighboring bars were Hugh W. Weir, W. D. Moore, Charles F. McKenna, Thomas J. Keenan and Judge Mellon of Pittsburgh; Harry White of Indiana, and others.

Judge Hunter opened the meeting in an able address on Mr. Cowan's ability. He spoke of the fact that for years Mr. Cowan had stood as the undisputed head of this bar, of his personal and neighborly traits, of his fairness with the court and also with opponents. He was followed by the memorial of the committee, read by H. P. Laird. This as a genuine tribute could not have been improved. It was unadorned and strictly true. In seconding this memorial, W. D. Moore of Pittsburgh made a most finished address. Besides being an able talker, he had peculiar acquaintance with Mr. Cowan's life and views, and his address was, therefore, exhaustive. Speaking of the long talks he used to have with Mr. Cowan on the speculations in religion, the speaker said: "Faith swallowed up in the darkness of doubt left us in that ignorance which is the best knowledge, and in that humility which is the best lesson to be learned from life." Mr. Moore was followed by Judge White, who also made a very fine address. His reference to the short time men are remembered, and the illustration of this by the shipwreck were exceedingly beautiful. The addresses of Judge Mellon, H. W. Weir and T. J. Keenan were short. Charles F. McKenna made an address on his

* The disease which terminated Mr. Cowan's life was, in some respects, very much like that which ended General Grant's life. They were both tobacco users. General Grant was for many years an incessant smoker, and Mr. Cowan was both a chewer and smoker. They both died of cancer.—*Tribune and Herald*, September 2, 1885.

political connections with Mr. Cowan. Letters were read by John Latta from Sherman, Doolittle, Brown, Hendricks, Trumbull and Henderson, all of whom were friends of the deceased in the senate of the United States. Judges Logan, Blair, Agnew, Clark, Johnson and Neal also sent regrets and mentioned reminiscences of Mr. Cowan in the various courts of the state.*

A few words in conclusion. Until the death of his mother, in her ninety-third year, in 1882, Mr. Cowan never felt a heartbreak in the loss of anybody near and dear to him, neither wife nor child, neither sister nor brother. Such an immunity from the common griefs of humanity for three-quarters of a century is one of the most extraordinary facts in his life history. Curiously, he seemed never to have realized fully his mortality until this event. Others could get sick, others could die, others could carry a sepulchre in their bosoms, but not he. And when his first life-loss came in his old age in the death of his almost centenary mother, it overwhelmed him.†

* Compare the *Tribune and Herald* of September 2, 9 and 23, 1885.

† Statement of Frank Cowan to the writer in a letter dated October, 1886.

Mr. Cowan's home life was simply an alternation between his professional duties and reading, varied in fine weather by a walk or drive of a mile or two in the country. He very rarely made a social call, as seldom attended a wedding, funeral or ball, and as infrequently went to hear a lecture, a sermon, or a political speech—never unless called upon to participate in the proceedings. During the last four or five years of his life, his eyesight failed him, and doubtless had he lived a few more years, he would have become wholly blind.

Mrs. Cowan, who survives her husband, is a lady of domestic habits—industrious and practical, of more than ordinary mental endowments, and of excellent character. Her long married life has been one of unusual serenity. The children of Mr. and Mrs. Cowan—all surviving their father—are Elizabeth, intermarried with James J. Hazlett, now residing in Greensburg; Frank, a namesake of John Franklin Beaver, to whose practice Mr. Cowan succeeded in Westmoreland county; and James, a namesake of his maternal grandfather, James Brison Oliver.

C. W. BUTTERFIELD.

REPRINTS.

I.

EARLY EARTHQUAKES IN THE NORTHWEST.

[By Daniel Drake in 'Picture of Cincinnati,' 1815.]

The first [earthquake] was in the year 1776. Mr. John Heckewelder, then a missionary of the United Brethern ["Moravian"], on the Muskingum river, in this state [Ohio], has politely favored me with a memorandum concerning it. He does not recollect the month; but it was in the summer, and about eight o'clock, A. M. Its duration was two or three minutes. The southwest side of the house was raised with such violence that the furniture of the room was nearly overturned. It was accompanied with a subterranean, rumbling noise. Early in the morning the weather was fair, but previous to the shock, it began to thicken in the southwest. The cattle were frightened by the shake, and the Indians continued, after it, to apprehend some great disaster, of which they conceived this to be the precursor.

The second shock was in the year 1791 or 1792. I am unable to ascertain the precise time, but think it occurred in the month of April or May, about seven o'clock in the morning. The weather was fair and mild. The jar was sufficient to agitate the furniture of the house. A rumbling noise in the earth, which seemed to pass from west to east, preceded the shake. It was, I believe, generally felt through the northern and northeastern parts of Kentucky; but whether beyond them I have not yet been able to learn.

The third shock occurred, as I have been informed by George Turner, Esq., about three o'clock A. M., January 8, 1795, at Kaskaskia, [afterward] Illinois territory. It was also, I believe, felt in some parts of Kentucky. Its duration he estimates at a minute and a half.

Its direction was nearly west and east. A subterranean noise attended, resembling that of many carriages driven rapidly over a pavement.

A fourth shock was experienced, we are informed by Prof. Barton [Philadelphia Medical and Physical Journal, Vol. I], at Niagara Falls, about six o'clock in the morning of the twenty-sixth of December, 1796. It appeared to come from the northwest, and did not last more than two seconds, but was sensibly felt for fifty miles around the Falls.

The fifth and only additional shock, of which I have been furnished with any certain accounts, occurred in the southern neighborhood of Lake Michigan, at ten minutes past two o'clock P. M., on the twentieth of August, 1804. At Fort Dearborn [now Chicago], on the bank of the lake, it was severe. From the report of Captain William Whistler, it must have been a stronger throe than any experienced at this place [Cincinnati]. It was succeeded by a short hurricane from the lake. At Fort Wayne [now the city of Fort Wayne, Indiana], lying considerably to the east-southeast, it was less violent. John Johnson, esq., my informant, remarks that the day at that place was clear and warm, without any unusual appearance. The general course of the earthquake was undoubtedly that of a line passing through these two forts [*i. e.*, Forts Dearborn and Wayne].

II.

DETROIT IMMEDIATELY BEFORE ITS OCCUPATION
BY GENERAL HULL.

[From 'Niles' Weekly Register' Vol. II,
pp. 356, 357.]

"The news of war [of 1812-15] excited very great alarm for the safety of this place [Detroit], the [American] army [under General Hull] being too far off to afford us immediate relief. For

about a week previous we had intelligence of the Indians assembling in large numbers at Malden [now Amherstburgh, Essex county, Canada]. About three hundred of the Sacs had come from the Mississippi; Tecumseh and a few warriors from the Wabash and many others from different quarters—all believed to be hostile. It was confidently asserted that from one thousand to fifteen hundred rations were daily issued to them.

"Believing that an attack was contemplated either on the [American] army or this place [Detroit], and most probably on the latter, every man capable of bearing arms was kept on constant duty from Thursday until Sunday evening [*i. e.*, from July 2 to 5, 1812], when the [American] army encamped within three miles of us, and relieved our apprehensions. There were but one hundred regulars in the garrison, and the whole of the militia we could collect did not exceed four hundred; but I believe every man was determined to make up in bravery what we wanted in numbers. About one hundred of the militia were thrown into the garrison, the others [were] posted in such advantageous places through the town, each having a good firelock and bayonet with plenty of ammunition, [that] I am confident it would have taken more than double our numbers to have routed us. If attacked, we expected it to be made in the night.

"For three nights there was not one of us had our clothes off, and if any one did lay [lie] down it was on his arms. Every man saw the necessity of making a determined resistance, and I am confident there is not one but would have done his duty. Yesterday the ferrymen, who had been detained in crossing the river after the news of war, were returned under a flag of truce. They had been taken to Malden, and they say the Indians have been gradually dispersing from the place for three or four days past. I expect they will have the policy to remain quiet, as they find there is a force now sufficient to put down all opposition either from them or the British; and I think such steps will shortly be pursued that we will, hereafter, not hear any disturbance from them.

"A considerable number of the [Canadian] militia had collected on the opposite shore during two or three days last week, but a few twenty-four pounders thrown at them on Sunday last [July 5, 1812], soon made them disperse, and since that there is scarcely a man to be seen. It was thought they were preparing to erect batteries for the annoyance of this place [Detroit], but it is since said they intended to make no resistance but at Malden.

"General Hull is making preparations to cross the [Detroit] river this evening [July 7] or to-morrow, and it is expected that an immediate attack is contemplated on Malden. The works of that place are not very strong, but they are well defended with artillery, having, I am told, forty pieces mounted, and above two hundred regulars, with all the militia they can collect, the number not known. There is no doubt but there will be hard fighting before the place is taken. The [American] army are all in health and good spirits and wait with anxiety to be put on the other shore; they are certainly as fine looking men as I ever saw." Extract from a letter from a gentleman at Detroit, to his friend in Pittsburgh, dated July 7, 1812.

III.

GOVERNOR WILLIAM CLARK'S EXPEDITION TO PRAIRIE DU CHIEN, IN 1814.

[From Niles' 'Weekly Register,' Vol. VI, pp. 355, 356.]

St. Louis, June 18, [1814]. On Monday evening last a barge arrived here from Prairie du Chien with Governor [William] Clark [of Missouri territory] and a few gentlemen who accompanied him on his expedition to that place. We are very happy in being able to announce the fortunate result of that hazardous enterprise.

Nothing worthy of remark attended the flotilla [of five armed barges] from the time they left St. Louis, until they reached Rock river; such of the disaffected Sacs and Foxes as appeared on the approach of the boats were fired on, some canoes were taken with the arms of the affrighted savages, who sued for peace on

any terms; peace was granted them on condition they would join against the enemies of the United States and immediately commence hostilities against the Winnebagoes. The Foxes who live above Rock river, at Deboques' mines [Dubuque's lead mines; now the city of Dubuque, Iowa,] were willing to come into the same arrangement.

Twenty days before the arrival of the governor at Prairie du Chien, [Robert] Dickson [British Indian agent] left that place for Mackinaw with 85 Winnebagoes, 120 Falsavoine [Menomonees], and 100 Sioux recruits for the British army on the lakes. He had information of the approach of Governor Clark, and had charged Captain [Francis Michael] Deace properly Dease] commanding a body of Mackinaw fencibles, with the defense of the place; but Deace and his party ran off, the Sioux and Renards [Foxes] having refused to oppose the Americans. As soon as the troops landed at the town, notice was sent to the inhabitants (who had fled into the country) to return; all came back but a few scoundrels who knew they deserved a halter.

Every attention was then divided to the erection of a temporary place calculated for defense; sixty rank and file of [Brevet] Major

[Zachary] Taylor's company of the Seventh regiment, under command of Lieutenant [Joseph] Perkins, took possession of the house formerly occupied by the old Mackinaw company, and a new fort was progressing on a most commanding spot when the governor left the Prairie.

Nine or ten trunks full of Dickson's property was found, among which are his papers; other property belonging to this savage chief are [is] daily discovered.

The farms of Prairie du Chien are in high cultivation, between [200] and 300 barrels of flour may be manufactured there this season, besides a vast quantity of corn. Horses and cattle are in abundance.

Two of the largest armed boats were left under the command of aid-de-camp Kennerly and Captains Sullivan and Yeizer, whose united force amounts to one hundred and twenty-five dauntless young fellows from this [St. Louis] county. The regulars under the command of Lieutenant Perkins are stationed on shore and are assisted by the volunteers in the erection of the new fort.

Such has been the fortunate issue of this well conducted expedition, more important to these territories than any hitherto undertaken.

EDITORIAL.

GEORGE BANCROFT, the eminent American historian, was born the third day of October, 1800. In 1823, he began collecting the materials for a History of the United States. The first volume appeared in 1834; the tenth in 1874; a period of forty years having elapsed between these publications. The time embraced in the ten volumes was from 1492 to 1782, from the discovery of America by Christopher Columbus to the close of the Revolutionary War. In 1876 was published a "thoroughly revised edition," in six volumes, known as the "Centenary Edition." To this revision the learned author gave "a solid year of close and undivided attention." The narrative is not extended beyond the date to which the first edition was limited. The first of the six volumes constituting the third edition—"the author's last revision"—was issued in 1884; the last, in 1885; but the period of the narrative is extended to the year 1789—to the beginning of the Federal government of the United States under the constitution. Mr. Bancroft passed his eighty-sixth birthday in Newport, Rhode Island, in a happy manner, receiving numerous calls and congratulatory letters.

BIG BONE LICK, in Kentucky, was visited by Samuel H. Parsons, in November, 1785. "Finding," he wrote nearly a year afterward, "that the bones of a large animal had been discovered about thirty-two miles from this station [the mouth of the Great Miami], curiosity led us to make search for them. Accordingly, an excursion was made to the Big Bone Lick, the place where those bones were found. This place is a resort of all species of beast in that country. A stream of brackish water runs through the land, which is a soft clay. About twenty acres are almost clear of trees and are

surrounded by higher lands. At this place were found, some on the surface, and some at a depth of four feet and more in the ground, the bones of the animal. An entire skeleton we did not find; but, of different parts, we brought off about four hundred pounds. A thigh bone entire measured thirty-nine inches in length. Parts of several jaw-bones were found, but not an entire one. Some teeth were found in, and some out of the jaw. Part of a tusk we also had."

FIFTY-FOUR years ago there was fought in Sephenson county, Illinois, one of the battles of the Black Hawk War. Under the direction of the board of supervisors a monument has been erected to the memory of the soldiers that fell in the fight, and on the last day of September, under the auspices of the W. R. Goddard Post of the Grand Army of the Republic, of Lena, the dedicatory exercises were held. The monument stands at a point nine miles south of Lena. Prominent among those who participated in the solemn ceremonies, and who made fitting addresses, were E. P. Barton, James S. Cochran, James I. Neff and M. Stoskopf, of Freeport; Dr. Naramore and S. J. Dodds, of Lena, and H. S. Magoon, of Darlington, Wisconsin.

FREDERICK THEODORE FREELINGHUYSEN, late secretary of state in President Arthur's cabinet, was born in the village of Millstone, in the county of Somerset, New Jersey, on the fourth day of August, 1817. He died at Newark, on the twentieth of May, 1885, sixty-eight years of age. His life, character and services may be found excellently well depicted in a brief biographical sketch written by John F. Hageman, and read, by request, before the New

Jersey Historical society on the twentieth of May last—recently published in the Society's "Proceedings."

ACCORDING to the annual report of William F. Poole, librarian of the Chicago public library, made on the twelfth day of June, the total number of volumes in the library on the last day of May was 119,510—a net increase during the year then ending, of 7,889 volumes. The amount expended for books was \$9,405.38. The number of book-borrowers is reported at 27,142. These persons hold cards, each secured by the certificate of a responsible guarantor, which entitles them to draw books from the library for home use for the period of two years.

Five years ago some thirty mummies of ancient Egyptian kings, queens, princes and princesses were found heaped together at the bottom of a subterranean, rock-cut sepulcher in the western plain of Thebes. These hidden royalties included nearly all of the most famous sovereigns of no less than five Egyptian dynasties, there being between the most ancient and the most modern among them an interval of at least seven hundred and fifty years. That is to say, the most ancient Pharaoh there found occupies a place in history dating about a century and a half previous to B. C. 1703, the period assigned to the expulsion of the Hyksos invaders and the end of the war of independence, while the most modern may be reckoned as having lived and died about B. C. 1110. Transported from Thebes to Cairo, the mummied kings and queens and their belongings now occupy a spacious hall called "The Hall of Royal Mummies," and the strange story of their discovery has been told and retold in all the languages of Europe and read in every quarter of the globe.

UNDER the head of "Domestic Intelligence," in the *Columbiana Magazine* of June, 1791, (p. 428), is the following:

"Pittsburgh, May 17, 1791. We, the subscribers, encouraged by a large subscription, do promise to pay one

hundred dollars for every hostile Indian's scalp, *with both ears to it*, taken between this day and the fifteenth of June next, by any inhabitant of Alleghany county.

GEORGE WALLACE,	ADAMSON TANNERHILL.
ROBERT ELLIOTT,	JOHN WILKINSON, Jr.,
WILLIAM AMBERSON,	JOHN IRWIN.

ONE hundred acres of land in the county of Fayette, Kentucky, had, before the sixteenth of October, 1786, been laid off in lots and streets, by James Wilkinson; and at a general assembly of Virginia, begun and held in the city of Richmond on the day just mentioned, this land was vested in seven trustees and established as a town, to which was given the name of "Frankfort." It was fixed upon as the capital of the state on the fifth of December, 1792, by commissioners appointed to locate "the permanent seat of government." On the sixth of October, 1886, the centenary of its settlement was celebrated by a national salute, a grand procession and a barbecue.

JOHN B. DILLON, author of a "History of Indiana," died in Indianapolis, Indiana, on the twenty-seventh day of February, 1879. His life and services were made the subject of an address by John Coburn, before the Indiana Historical Society, on the eighteenth of September, 1886. This, the Society has published. It is number two of their pamphlet publications.

IN the house of representatives, in Washington city, on the fourteenth of June, 1844, John Quincy Adams penned in honor of his friend, Alexander H. Stephens, the following:

Say, by what sympathetic charm,
What mystic magnet's secret sway,
Drawn by some unresisted arm,
We come from regions far away?

From North and South, from East and West,
Here in the People's Hall we meet
To execute their high behest,
In council and communion sweet.

We meet as strangers in this hall;
But when our task of duty's done,
We blend the common good of all,
And melt the multitude in one,

As strangers in this hall we meet;
But now, with one united heart,
Whate'er of life awaits us yet,
In cordial friendship let us part.

"THE disturbances for some time past," says a letter from a gentleman in the new state of Franklin, dated "March, 1788," an extract from which is published in the *Columbiana Magazine*, for April of that year (p. 233), "in this quarter, have been very alarming. The Tiptonites and the Franklinites have been constantly in arms against each other; the former have two or three times taken possession of Jonesborough; the Franklinites were lately in possession of the same place; their succors came in so slowly, that they thought it prudent to evacuate the town, and in the evening about two hundred and fifty Tiptonites appeared so suddenly that the few who were in it were captured; Caldwell, Baker and Ambrose Yansey were taken, and obliged to appear at court, where they engaged to remain inactive in the present dispute three months; their governor and other leaders went down the country to raise men to suppress the Tiptonites, and a few evenings ago returned with all the force they could raise—I believe not more than one hundred and fifty. They marched to Tipton's.

Tipton, from all I can learn, had not more than sixty or seventy men; with those he secured himself in his house, and bid Sevier defiance, who intended to burn the house, previous to their firing, which they began the first evening they besieged Tipton. Sevier sent in a flag with a letter desiring him and his men to surrender. Tipton returned a verbal answer to this effect: That he begged no favors, and if Sevier would surrender himself and leaders, they should have the benefit of North Carolina laws. Sevier thought himself secure, and was very sure he could take Tipton and his men; but to his astonishment, yesterday morning a great body of Sullivan men attacked him with heavy firing, and rushing among them took a number of prisoners, arms, saddles, etc., and dispersed the whole of the Franklinites. In a few minutes the governor made his escape, but his two sons were taken. One of Tipton's men

was killed, and about eight of them wounded, two or three of them mortally."

IN June, 1788, the farmers of Biberry and Lower Dublin townships, in Philadelphia county, Pennsylvania, signed an agreement to give no spirituous liquors to their laborers at the ensuing harvest. "They propose," says a printed account of that date, "in the room of spirits, to give beer, cider, buttermilk and molasses and water. One spoonful of the molasses to a pint of water, is the usual way of giving that excellent drink."

By a vote of the Ohio Company, in the autumn of 1787, one hundred settlers were to be sent on to their lands in what is now the state of Ohio, during that fall and winter. These settlers were to be supplied with provisions to the settlement, on their arrival at Pittsburgh. They were to be taken into the pay of the company at the rate of four dollars per month, and to continue in pay until the ensuing May, the payments of their wages to be in lands. Each man was required to provide himself with a good musket, bayonet and cartridge box; and if they provided an ax and hoe (in mechanics their necessary tools), they were to be transported gratis down the Ohio.

ELECTION to office by popular vote began in this country more than two centuries and a half ago. On the tenth day of February, 1634, a call was signed by the leading citizens of Charlestown, Massachusetts, for the election of selectmen. This document is still in existence.

THE spring of 1779, in the Pittsburgh region, was filled with alarms and raids of the savages. We give a record of one week only of their fiendish work.

About the ninth of April, a party of four men were sent express from Pittsburgh to Hannastown and all were afterward found dead and scalped about fifteen miles out, on the great road.

April 13. David Morgan of Monongalia county, Virginia, being at his field near a fort,

discovered two Indians creeping up to a few young people who were at work in the field; he gave the children the alarm, and upon the Indians pursuing them, he shot down the foremost; the other pursued him, made a blow at him with his tomahawk, cut off his little finger, and the second finger nearly. They then closed and struggled for the Indians knife, which Morgan got hold of; drawing it through the hand of the savage and stabbing him; upon which they disengaged their holds. Morgan made for the fort and the wounded Indian ran into the woods. A party immediately set out from the fort, found one of the savages dead, and the other sitting beside him. He asked mercy, and it was granted; but on their way in, he became surly, whereupon one of the party tomahawked him. Both scalps were secured.

April 14. At Cavell's mill, a man who had fled from the north side of the Pennsylvania road, was hunting his horse, when he discovered two Indians skulking in a thicket within a few hundred yards of the house. He fired and wounded one of them, then ran to the house, where a few more joined him. They followed the track, found the wounded Indian and took his scalp; they pursued the other, but he made his escape.

April 16. David Maxwell and his wife were killed and scalped at Brush run, within a few miles of Braddock's old road; their daughter—a young woman—had been taken some time before.

ONE of the so-called "Moravian Indians" was present and assisted at the torturing of Colonel William Crawford on the bank of the Tymochtee creek, in what is now Wyandot county, Ohio, on the eleventh of June, 1782. The name of this Indian, as given him by the Moravian missionaries upon his joining their congregation, was Joseph. However, when the fact became known of his participation in that horrid event, the missionary Zeisberger refused to allow him to live with the Indian converts any longer. "This spring [1782]," says that preacher, "in Upper Sandusky, after our

departure, he [Joseph] took part in a horrible and awful murder [Crawford's], whereto he was led by the savages. The Saviour showed us to put from us both him and his wife."

THE remains of Salmon P. Chase left Washington by special train which preceded the regular 3:30 train on the afternoon of October 13, for Cincinnati, where they arrived at 1:30 the next morning. An assemblage of distinguished people accompanied the remains in a procession from the cemetery to the depot. Among them was a committee of Congress of which Representative Butterworth is chairman, and Representatives Little and Outhwaite are members; a committee of the supreme court of the United States, consisting of the chief justice and associate justices Blatchford, Matthews and Woods; a committee of the bar association; a committee consisting of prominent colored men with whom the distinguished dead had personal friendly relations; Attorney-General Garland, representing the president; Senor Romero, the Mexican minister; Whitelaw Reid and Hiram Barney; two of the pall bearers of the original funeral; W. W. Cocoran; and many local people of note.

There was no ceremonial in Washington. The remains, which were deposited thirteen years ago in Oak Hill cemetery, were disinterred on the eleventh and lay in their new casket in the middle of the little gothic chapel in the cemetery. Around them the assemblage stood with uncovered heads while the body guard was marshalled to its place, and then forming in a funeral procession followed them slowly to the hearse. Mrs. Katharine Chase Sprague and her daughter were escorted to and from their carriage by General Sherman. The body guard was composed of colored men, among whom was Edward Brown, who for many years served Chief Justice Chase as coachman; William Joyce, his messenger, who was with him when he died; and Howard Williams, many years a trusted member of the family.

The remains reached Cincinnati Thursday morning, and were borne to Music Hall, where

addresses were made by Congressman Butterworth, Governor Foraker, ex-Governor Hoadly, and Justice Stanley Matthews. James E. Murdoch, the veteran actor, recited a poem; after which, the casket was borne to Spring Grove cemetery, and consigned to rest in the family lot.

"MARY and Martha, the Mother and Wife of George Washington," is the title of another contribution to American history, by Benson J. Lossing. "The relationship of these excellent women to so eminent a man as Washington, gives to their simple virtues and personal history a refreshing interest, and enables the writer to group about the theme many anecdotes, and much entertaining information concerning Washington himself and his home-life, regarding which his other biographers are silent."

"THE Scandinavian immigration into the United States," says the Chicago *Evening Journal*, "is comparatively of recent date. Some years before the late civil war, while Minnesota was still the chief hunting-ground of the Sioux Indians in the Northwest, there was scarcely a single Scandinavian. Not until the year 1866 did they begin, in a mighty and constantly increasing stream, to land upon the friendly shores of America. While in the forty years prior to the war they came to this country to the number, at most, of 1,000 to 2,000 annually, since that epoch they have in a single year reached the proportions of 80,000. In Illinois some 58,500 Scandinavians are now residing, for the most part Swedes, of which almost one-half have settled in Chicago. In Iowa there are some 20,000 Swedes, and just as many Norwegians; in Kansas, 12,000, mostly Swedes; in Nebraska, likewise, 12,000 Swedes; in Wisconsin, 57,000, mostly Swedes, and Norwegians; and in Dakota, 250,000, of which the majority sprang from Norway. Minnesota, on the other hand, absorbed the highest Scandinavian immigration—more than 125,000 Scandinavians residing in that state, an overwhelming majority of which are Norwegians. The Scandinavians

have literally taken possession of whole counties in the Northwest, and the ruling civilization there is entirely of the Scandinavian type, although molded into a better and more polished form. In Minnesota they play in politics, trade and commerce a controlling part. According to the last census the number of the native born enfranchised population of Minnesota amounted to only 88,000, while those of the voters born abroad reached 123,000. In only two other states, namely, Nevada and Wisconsin, does the population born abroad preponderate over the latter. In Minnesota, in every congressional district, the naturalized citizens are in the ascendancy. In the first district they have the lowest majority of votes, that is about 3,000; in the third, with 13,000, the highest. As a rule, the Scandinavians are industrious, laborious and honest people. Most of them devote themselves to agriculture, but there are Scandinavian sailors on the great lakes, and several thousand mechanics of this race are employed on shore as carpenters and masons. In a Scandinavian family everyone works. Even well-to-do farmers send their daughters to town as maid-servants. Thousands of these girls have good reputations in Chicago as domestics on account of their usefulness. The Swedes, as a rule, are more slender and tall than the Norwegians, who, like the Danes, are, on the average, of a shorter and more thick-set stature. It is remarkable how quickly these children of the north master the English language. In a short time they make considerable progress in the knowledge of this tongue. From their pronunciation it can not be at all discovered that one is conversing with people who have learned English here, and, possibly, not earlier than from two to four years back.

THE second volume of the second series of the "Proceedings of the Massachusetts Historical Society" (1885-1886), has just been published. The frontispiece to the book is a magnificent steel portrait of John Langdon Sibley, recently deceased. Mr. Sibley was "by far the most liberal donor," the society has ever

had. The property donated by his will has been appraised at over one hundred and fifty thousand dollars. The historical papers, in this volume, are all of great value.

THE French held Louisiana until 1762, when it was ceded to Spain. The last-named power ceded it back to France in 1800. In 1803, it was purchased by the United States. Previous to this acquisition by our government, the land system of Louisiana was peculiar. The grants to individuals seem to have been made from favoritism, military or civil service, and generally to men of consideration. The villagers held their land in common. That which was cultivated was enclosed. They had, besides, the privilege to obtain wood within certain

limits from the royal domain. These commons were not enclosed, and remained part of the then wilderness. They were not considered as severed from the royal domain, and were only subject to the right of obtaining wood for the use of the inhabitants.

COLONEL CHARLES WHITTLESEY, a faithful and careful student of history, widely known as a writer of historical books and tracts, president of the Western Reserve and Northern Ohio Historical society, died at his residence in Cleveland, Ohio, October 18, 1886. An extended sketch of the life of this most worthy and excellent man, will appear in an early number of this magazine.

CORRESPONDENCE.

To the Editor of the MAGAZINE OF WESTERN HISTORY:

PITTSBURGH, October 23, 1885.

In your editorial comments on the early settlement of Ohio in the September number of your valuable journal you say, "Can anyone prove beyond a doubt that anyone settled in Ohio before 1788 and remained there as a settler for a number of years thereafter?" There is not the slightest trouble to establish the fact that Philip Cable, a native of Berks county, Pennsylvania, settled on the western bank of the Ohio at what is still known as Cable's Eddy, in 1785, and remained there until his death, December 26, 1812. His eldest son, Ephraim Cable, was born on this farm March 15, 1787, and lived there continuously until his death, December 4, 1875. In 1797 Philip Cable was appointed president judge of that district by Winthrop Sargent, acting governor of the territory. The records of the November term for that year are in the Recorder's office at Steubenville. There were other families who settled near Judge Cable prior to 1788

Yours truly,

DR. WILLIAM W. CABLE.

No. 157 Second Avenue.

To the Editor of the MAGAZINE OF WESTERN HISTORY.

DEAR SIR:—It is somewhat singular that while the largest number of states which constitute the Union have mottoes attached to their seals, a few, however, have not a motto to represent an important idea. That this omission might be explained, the undersigned has corresponded with the mottoless states, and the governor of Texas first responded. A copy of his communication is herewith given:

EXECUTIVE OFFICE, Austin, October 13, 1886.
General C. W. Darling, Corresponding Secretary of the Oneida Historical Society at Utica, New York:
DEAR SIR:—I have your favor asking why Texas has never adopted a motto, like other states.

To answer your question would require a knowledge of the motives and views of every congress that met in the Republic and of every legislature since it has been a state. If I should guess at it I

would say that Texas has not been poetically or sentimentally inclined, and that she has been attending to mottoes of more substantial importance. While she has never adopted by law any motto, she has had one from the days of the fall of the Alamo (upon which she has acted), given her by one of the patriots who perished in the Alamo, to wit: "Be sure you are right, then go ahead." Respectfully yours,

JOHN IRELAND.

The attention of some readers perhaps should be called to the fact that four decades have passed since a small band of Texans at the fort which bore the name of Alamo, bravely resisted a Mexican force of ten times its number, and perished rather than surrender to a foe which they despised.

By reason of this heroic defense the celebrated fort acquired another name, and Alamo is styled the Thermopylæ of America. In the struggle of the Texans for independence, they had a war-cry which served them well, and that cry was: "Remember the Alamo!"

The state of Alabama has no motto, and the governor informs the writer (in answer to an inquiry made as to the reason why) that he does not know the reason why that state has adopted no motto, if "Here we Rest" is not such. He further adds, later researches tend to the conclusion that Alabama meant in the original tongue, "mulberry."

It may not possibly be known to all persons that Alabama, in the Creek language, signifies "here we rest."

The rhomboidal state of Tennessee has its mountains, some of which rise to a height of over six thousand feet above the level of the sea. Its geology is said to represent every system from the metamorphic rocks and the Lower Silurian to the most recent alluvial deposits of the Mississippi river-bottoms, but it has no motto. Secretary Nelson, of the Tennessee Historical Society, writes that in the great seal of the state are the words commercial and agriculture, and Tennessee thought that agriculture and commerce were words good enough to take the place of a motto.

W. C. DARLING,
Of Oneida Historical Society.



Yours very truly
James B. Angell